

Exhibit J

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4
5 ALEX ANG and LYNN STREIT,)
6 Individually and on behalf)
7 of all others similarly)
8 situated,)
9 Plaintiffs,)
10 vs.) Case No. 13 CIV. 1196
11 BIMBO Bakeries U.S.A.,) (WHO)
12 INC.,)
13 Defendant.)
14
15 Videotaped deposition of LYNN STREIT,
16 taken on behalf of the Defendant, taken
17 at the law offices of Pratt & Associates,
18 located at 1871 The Alameda, San Jose,
19 California 95126, on Wednesday,
20 February 11, 2015, beginning at
21 10:20 a.m. to 5:49 p.m., before Hanna
22 Kim, CLR, CSR No. 13083.
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24
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<p style="text-align: right;">Page 6</p> <p>1 San Jose, California; Wednesday, February 11, 2015</p> <p>2 10:20 a.m.</p> <p>3</p> <p>4 PROCEEDINGS</p> <p>5</p> <p>6 THE VIDEOGRAPHER: Good morning. My name is</p> <p>7 Michael Barber. I'm a videographer associated with</p> <p>8 Barkley Court Reporters, located at 201 California</p> <p>9 Street, Suite 375, San Francisco, California 94111.</p> <p>10 The date is February 11th, 2015. The time is</p> <p>11 10:20 a.m.</p> <p>12 This deposition is taking place at Pratt &</p> <p>13 Associates, 1871 The Alameda, San Jose, California</p> <p>14 95126, in the matter of Alex Ang versus Lynn Streit</p> <p>15 versus Bimbo Bakeries U.S.A., Inc., in the U.S.</p> <p>16 District Court, Northern District of California [sic],</p> <p>17 San Francisco Division, Case No. 13 CIV 1196.</p> <p>18 This is the videotaped deposition of Lynn</p> <p>19 Streit being taken on behalf of the defense. Counsel,</p> <p>20 would you please identify yourselves for the record and</p> <p>21 state whom you represent.</p> <p>22 MR. GORE: Good morning. Pierce Gore for</p> <p>23 plaintiffs.</p> <p>24 MR. GOODMAN: Mark Goodman for Bimbo Bakeries</p> <p>25 U.S.A., Inc.</p>	<p style="text-align: right;">Page 8</p> <p>1 try to wait for you to finish your answer so we don't</p> <p>2 talk over each other. Okay?</p> <p>3 A. Great.</p> <p>4 Q. And likewise, the court reporter cannot take</p> <p>5 down nonverbal responses, shakes of the heads or</p> <p>6 guttural utterances. So if you could please give</p> <p>7 audible, intelligible responses, that would be great.</p> <p>8 Understood?</p> <p>9 A. Yes, yes.</p> <p>10 Q. Okay. If you need to take a break at any</p> <p>11 time, please just let me know. This is not a torture</p> <p>12 session. You should be comfortable. So as long as</p> <p>13 there is not a question pending, just let me know and</p> <p>14 we can take a break at your leisure. I try to go at</p> <p>15 least an hour, but if you need to take a break in</p> <p>16 between, again, just let me know. Okay?</p> <p>17 A. Okay.</p> <p>18 Q. You will have an opportunity to review your</p> <p>19 deposition testimony. It's going to be prepared in a</p> <p>20 booklet form with all of our words written down. And</p> <p>21 you can make corrections to that testimony in the</p> <p>22 booklet form. But if you do make any substantive</p> <p>23 corrections, I'll be able to comment on those at trial.</p> <p>24 So it's very important that you try to give your best</p> <p>25 and most accurate testimony today. Okay?</p>
<p style="text-align: right;">Page 7</p> <p>1 THE VIDEOGRAPHER: Thank you.</p> <p>2 Will the court reporter please swear in the</p> <p>3 witness.</p> <p>4 LYNN STREIT,</p> <p>5 having been administered an oath, was examined and</p> <p>6 testified as follows:</p> <p>7 EXAMINATION</p> <p>8 BY MR. GOODMAN:</p> <p>9 Q. Good morning, Ms. Streit. Have you ever had</p> <p>10 your deposition taken before?</p> <p>11 A. No.</p> <p>12 Q. Okay. Let me go over some -- I'm sure you've</p> <p>13 talked to your lawyer about these things, but let me</p> <p>14 just go over some ground rules. I'm going to be asking</p> <p>15 you a series of questions today regarding the lawsuit</p> <p>16 that you've brought against my client.</p> <p>17 You just took an oath. That's the same oath</p> <p>18 that you'd be under in a court of law. It obligates</p> <p>19 you to tell the truth under penalty of perjury. Do you</p> <p>20 understand that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. The court reporter is going to take</p> <p>23 down everything that we say today, so it's very</p> <p>24 important -- and you're doing a good job so far of</p> <p>25 waiting for me to finish my question, and then I will</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Got it.</p> <p>2 Q. You can try to do that for me?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. If you don't understand a question that</p> <p>5 I ask, please ask me to rephrase it or somehow make it</p> <p>6 more understandable to you. It's important that you</p> <p>7 understand what I'm saying so that you are giving your</p> <p>8 best and most accurate testimony. Okay?</p> <p>9 A. Okay.</p> <p>10 Q. All right. Do you understand that you are a</p> <p>11 plaintiff in a lawsuit against Bimbo Bakeries U.S.A.?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And when did you first contact an</p> <p>14 attorney about bringing that lawsuit?</p> <p>15 A. January of 2013.</p> <p>16 Q. Now, what attorney did you contact?</p> <p>17 A. Pierce (indicating).</p> <p>18 Q. What made you contact Mr. Gore?</p> <p>19 A. I had gotten his name from my mom. She was</p> <p>20 involved in something with some food product. I'm not</p> <p>21 sure what. I think it was gum. And I had -- she and I</p> <p>22 had been talking about a situation at the grocery</p> <p>23 store -- it was very confusing -- in the bread aisle.</p> <p>24 And she suggested I call him. So I did.</p> <p>25 Q. When did you have this conversation with your</p>

<p style="text-align: right;">Page 10</p> <p>1 mother?</p> <p>2 A. Probably -- oh, gosh knows. Sometime in the</p> <p>3 few weeks before I contacted Pierce.</p> <p>4 Q. And what was the situation at the grocery</p> <p>5 store that you were discussing with your mother?</p> <p>6 A. The overwhelming confusion about all the</p> <p>7 different breads to choose from, basically. Trying to</p> <p>8 interpret what I wanted to buy.</p> <p>9 Q. What was confusing to you about the bread</p> <p>10 aisle?</p> <p>11 A. Mostly the different variations of how wheat</p> <p>12 was identified, whole wheat, whole grain, just -- it</p> <p>13 was very -- just very confusing.</p> <p>14 Q. What did you speak to your mother about with</p> <p>15 respect to the different variations of whole wheat?</p> <p>16 A. Just trying to -- just told her basically what</p> <p>17 I just told you. Like it's overwhelming.</p> <p>18 Q. And what did she say to you?</p> <p>19 A. It's a huge aisle.</p> <p>20 Q. And what did she say to you?</p> <p>21 A. She just said if you have concerns, you know,</p> <p>22 that -- that you would like answered, try and call</p> <p>23 Pierce.</p> <p>24 Q. Did she tell you anything else other than to</p> <p>25 call Pierce?</p>	<p style="text-align: right;">Page 12</p> <p>1 that time, any products other than -- when you say --</p> <p>2 let me strike that.</p> <p>3 When you say bread, are you talking about</p> <p>4 sliced sandwich bread?</p> <p>5 A. Mostly, but also the -- what I would consider</p> <p>6 fresh baked products, like -- like donuts and some</p> <p>7 other things that I don't think are part of this,</p> <p>8 but -- so a variety of -- of baked products in the</p> <p>9 bread aisle.</p> <p>10 Q. Do you recall specifically what products you</p> <p>11 discussed with her at that time? And by "her," I mean</p> <p>12 your mother.</p> <p>13 A. No.</p> <p>14 Q. Do you recall discussing, with your mother,</p> <p>15 donut products?</p> <p>16 A. Yes, but I'm not sure what -- other than what</p> <p>17 I just said, no.</p> <p>18 Q. Okay. Do you recall discussing, with your</p> <p>19 mother, sliced sandwich bread?</p> <p>20 A. Whole wheat bread. And I guess it's all</p> <p>21 sliced, isn't it?</p> <p>22 Q. I don't know.</p> <p>23 A. Yeah.</p> <p>24 Q. Is that what --</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. No.</p> <p>2 Q. What's your mother's name?</p> <p>3 A. Phyllis.</p> <p>4 Q. Where does she live?</p> <p>5 A. Campbell.</p> <p>6 Q. Is her last name Streit?</p> <p>7 A. No.</p> <p>8 Q. What's her last name --</p> <p>9 A. Gustavson. Sorry. Gustavson,</p> <p>10 G-U-S-T-A-V-S-O-N.</p> <p>11 Q. Did she have a lawsuit involving gum?</p> <p>12 A. I think it was gum. I'm not sure. We didn't</p> <p>13 talk about it in detail. But she did have something</p> <p>14 going on.</p> <p>15 Q. It was a lawsuit?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Is that a yes?</p> <p>18 A. Yes. Sorry.</p> <p>19 Q. When you spoke to your mother about the</p> <p>20 confusion in the bread aisle, did you speak to her</p> <p>21 about any specific products that were confusing to you?</p> <p>22 A. No. Other than I may have asked her what she</p> <p>23 bought. And if I did, I don't remember her answer, so</p> <p>24 it's kind of pointless.</p> <p>25 Q. Okay. Do you recall discussing with her, at</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. -- your experience is?</p> <p>2 A. Yes. Sorry.</p> <p>3 Q. Do you recall discussing with your mother any</p> <p>4 products other than donuts and whole wheat bread?</p> <p>5 A. No, not specifics.</p> <p>6 Q. Did you have any discussions with your mother</p> <p>7 after this initial discussion in early 2013 about your</p> <p>8 confusion in the bread aisle?</p> <p>9 A. Not other than to tell her that I had met with</p> <p>10 Pierce.</p> <p>11 Q. Have you discussed your lawsuit with your</p> <p>12 mother?</p> <p>13 A. I haven't.</p> <p>14 Q. Have you had any discussions with anybody,</p> <p>15 other than your mother, about your confusion in the</p> <p>16 bread aisle other than your lawyers?</p> <p>17 A. I wouldn't say in specifics. I would say in</p> <p>18 generalities with other moms, you know, like -- just</p> <p>19 generalities, I guess, I would say.</p> <p>20 Q. What generalities have you discussed?</p> <p>21 A. I shouldn't even say discussed. Just the</p> <p>22 overall observation about how certain categories have</p> <p>23 grown in this -- in the grocery store, like -</p> <p>24 Q. What --</p> <p>25 A. -- the bread used to be one aisle, and now</p>

<p style="text-align: right;">Page 14</p> <p>1 it's two aisles, and it's so -- how do you know what to</p> <p>2 buy. But not -- not -- nothing specific at all,</p> <p>3 really.</p> <p>4 Q. With whom did you have discussions regarding</p> <p>5 how the categories of bread have grown?</p> <p>6 A. I absolutely couldn't say. I would say in --</p> <p>7 just in passing. It's the kind of thing moms talk</p> <p>8 about.</p> <p>9 Q. Do you recall any of the people with whom</p> <p>10 you've had these conversations?</p> <p>11 A. No.</p> <p>12 Q. Do you recall any dates on which you had such</p> <p>13 conversation?</p> <p>14 A. Gosh, no. I -- yeah, I guess the word</p> <p>15 "conversation" is just too specific. I would say</p> <p>16 allusions. It's kind of like referring to traffic.</p> <p>17 Does that make sense?</p> <p>18 Q. Did you -- were these allusions anything other</p> <p>19 than, gee, the bread aisle has gone from one aisle to</p> <p>20 two?</p> <p>21 A. No.</p> <p>22 Q. Did you talk about any specific products with</p> <p>23 any of these people?</p> <p>24 A. Mm-hmm.</p> <p>25 THE COURT REPORTER: I'm sorry?</p>	<p style="text-align: right;">Page 16</p> <p>1 that was on the package.</p> <p>2 Q. What -- how did you do that?</p> <p>3 A. I read. I'm sorry. I would look at</p> <p>4 everything on the front. Instead of it just said</p> <p>5 "100 percent whole wheat," if it said --</p> <p>6 THE COURT REPORTER: Can you slow down just a</p> <p>7 little bit.</p> <p>8 THE WITNESS: Oh, I'm sorry. I do talk fast.</p> <p>9 If it said "100 percent whole wheat," but then</p> <p>10 it would say, for example, on these products "excellent</p> <p>11 source of whole grain," to me, that's like, okay,</p> <p>12 that's better than just 100 percent whole wheat.</p> <p>13 BY MR. GOODMAN:</p> <p>14 Q. Were there any other means by which you looked</p> <p>15 deeper into what you were buying at that point in time?</p> <p>16 A. No.</p> <p>17 Q. Did you do any research on the Internet with</p> <p>18 respect to what the healthiest bread was?</p> <p>19 A. I did not.</p> <p>20 Q. Did you read any articles with respect to what</p> <p>21 the healthiest bread was?</p> <p>22 A. Not that I can recall.</p> <p>23 Q. Did you ask any of your friends what the</p> <p>24 healthiest bread was?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 15</p> <p>1 THE WITNESS: Win -- no. Sorry. Wine doesn't</p> <p>2 count.</p> <p>3 BY MR. GOODMAN:</p> <p>4 Q. I'm talking about bread products.</p> <p>5 A. No.</p> <p>6 Q. At the time before you contacted Mr. Gore,</p> <p>7 what did you find specifically confusing about the</p> <p>8 different varieties of wheat bread?</p> <p>9 A. That in trying to determine what's the</p> <p>10 healthiest wheat bread, that was the confusing part. I</p> <p>11 had heard -- and gosh knows where or when, might have</p> <p>12 been one of those urban legends, but -- that some</p> <p>13 things labeled hundred percent whole wheat were in</p> <p>14 actuality just dyed brown. Does that make sense? So</p> <p>15 that caused me to look a little deeper -- excuse</p> <p>16 me -- at what I was buying.</p> <p>17 Q. How did you look deeper at what you were</p> <p>18 buying?</p> <p>19 A. Just looked more at the -- the labeling, I</p> <p>20 guess.</p> <p>21 Q. Well, what -- what had you been looking at the</p> <p>22 labeling -- what parts of the labels were you looking</p> <p>23 at before that point in time?</p> <p>24 A. The same, but I'd say I looked a little</p> <p>25 deeper. I just paid more attention to all the stuff</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Did you talk to your mother about what the</p> <p>2 healthiest bread was?</p> <p>3 A. No.</p> <p>4 Q. At what point in time do you recall looking</p> <p>5 deeper into what you were buying?</p> <p>6 A. I'm not sure I understand the question.</p> <p>7 Q. Sure. So you said at some point in time, you</p> <p>8 started looking deeper into what you were buying. Do</p> <p>9 you remember saying that?</p> <p>10 Let's start with --</p> <p>11 A. As the choices --</p> <p>12 Q. Do you remember --</p> <p>13 A. Yes.</p> <p>14 Q. Do you remember saying that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So do you remember at what point in</p> <p>17 time you started doing that?</p> <p>18 A. I would say as the choices expanded, as it</p> <p>19 seemed like there was more and more available to choose</p> <p>20 from.</p> <p>21 Q. Okay. I'm asking for a year or a month or a</p> <p>22 day.</p> <p>23 A. Oh. No, no.</p> <p>24 Q. Can you give me the year in which you first</p> <p>25 started looking deeper?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. No.</p> <p>2 Q. Was it shortly before you contacted Mr. Gore?</p> <p>3 A. I would be guessing. I would say probably for</p> <p>4 a couple of years before I contacted Pierce, but I -- I</p> <p>5 don't -- I don't recall when things grew so much.</p> <p>6 Q. What caused you to contact your mother and</p> <p>7 tell her about your confusion if you had been doing</p> <p>8 this --</p> <p>9 A. Oh, my mom --</p> <p>10 THE COURT REPORTER: I'm sorry. Wait --</p> <p>11 THE WITNESS: Sorry. Sorry.</p> <p>12 BY MR. GOODMAN:</p> <p>13 Q. You need to wait.</p> <p>14 If you had been doing this for a couple of</p> <p>15 years.</p> <p>16 A. My mom and I talk every day. It wasn't like I</p> <p>17 sought her out and said, hey. So I have no idea what</p> <p>18 sparked the conversation initially other than maybe her</p> <p>19 referencing her situation with the gum.</p> <p>20 Q. Did you have any conversations with anybody</p> <p>21 about your looking deeper into what you were buying at</p> <p>22 the time that you decided to do that?</p> <p>23 A. No.</p> <p>24 Q. Do you recall, Ms. Streit, as you sit here</p> <p>25 today, what made you think you needed to look deeper</p>	<p style="text-align: right;">Page 20</p> <p>1 confusing. I -- it depends on the product.</p> <p>2 Q. Right. That's what I'm asking you. So what</p> <p>3 kinds of products did you read the back label for?</p> <p>4 A. It -- it could be anything. I could look at</p> <p>5 the label on a cookie or a chip or a pasta sauce -- it</p> <p>6 could be anything.</p> <p>7 Q. And it --</p> <p>8 A. It just depends on what...</p> <p>9 Q. I understand anything's possible. Don't get</p> <p>10 me wrong.</p> <p>11 A. Right.</p> <p>12 Q. I'm asking about what you do. So you said</p> <p>13 that what -- that sometimes you would read the back of</p> <p>14 a label, depending on what the product was.</p> <p>15 A. Mm-hmm.</p> <p>16 Q. What would make you read the back of a label?</p> <p>17 A. Anything on the front that confused me</p> <p>18 possibly, that's one example, such as -- would you like</p> <p>19 an example?</p> <p>20 Q. I'd like actual things that made you read the</p> <p>21 back of a label.</p> <p>22 A. Oh, gosh.</p> <p>23 If something said no added sugar. If</p> <p>24 something said, for example, in the bread, excellent</p> <p>25 source of whole grain. I don't know much about fats,</p>
<p style="text-align: right;">Page 19</p> <p>1 into what you were buying, specifically?</p> <p>2 A. I think I already referenced the dyed bread as</p> <p>3 one reason. And then simply trying to make my</p> <p>4 best -- the best choice out there.</p> <p>5 Q. Do you recall how you learned that there was</p> <p>6 dyed bread?</p> <p>7 A. I don't. That's why I was thinking it might</p> <p>8 have been an urban legend. But it's just one of those</p> <p>9 things that you hear and you're not sure where you hear</p> <p>10 it.</p> <p>11 Q. When -- in looking deeper into what you were</p> <p>12 buying, you said you read the labels. You also said</p> <p>13 you read the front part of the label; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Did you read any other part of the label other</p> <p>16 than the front part of the label when you made your</p> <p>17 buying decisions?</p> <p>18 A. Sometimes I would turn it over. Depends on</p> <p>19 what the product was, look at the calories, look at the</p> <p>20 sugar. But in depth, no.</p> <p>21 Q. Do you recall -- well, strike that.</p> <p>22 What would cause you to turn the label over</p> <p>23 and read the back?</p> <p>24 A. I -- any number of things. Simple curiosity.</p> <p>25 Something on the front that might have seemed</p>	<p style="text-align: right;">Page 21</p> <p>1 so I can't say that the fat claims would mean anything,</p> <p>2 but...</p> <p>3 Q. Do you recall looking at fat content for</p> <p>4 products that -- that were stated to be low or no fat?</p> <p>5 A. Yes.</p> <p>6 Q. For what kinds of products?</p> <p>7 A. I can't think specifically. But I know I</p> <p>8 have. Sorry.</p> <p>9 Q. Do you know whether you've ever read the back</p> <p>10 of a label for any bakery products that claim to be low</p> <p>11 or no fat?</p> <p>12 A. Sure. Yes.</p> <p>13 Q. Do you know what bakery products you did that</p> <p>14 for?</p> <p>15 A. No.</p> <p>16 Q. Do you know if you ever did that for any Bimbo</p> <p>17 Bakeries products?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know whether you ever read the back of</p> <p>20 a label for any product that stated that it had no</p> <p>21 added sugar?</p> <p>22 A. Yes.</p> <p>23 Q. And do you know whether any of those products</p> <p>24 were bakery products?</p> <p>25 A. I do not know. What comes to mind would be</p>

<p style="text-align: right;">Page 22</p> <p>1 juice type products.</p> <p>2 Q. Have you ever read the back of a label for any</p> <p>3 juice product and determined that you did not wish to</p> <p>4 purchase it because it had added sugar?</p> <p>5 A. Probably.</p> <p>6 Q. Did you, ma'am?</p> <p>7 A. I can only say probably. I mean, that's a</p> <p>8 good chance of a yes. Would I know what kind or</p> <p>9 anything, no.</p> <p>10 Is that what...</p> <p>11 Q. Do you know whether any of those juice</p> <p>12 products that you decided not to buy claimed to have no</p> <p>13 added sugar?</p> <p>14 A. Isn't that what you just asked me?</p> <p>15 Q. No, I asked you whether you ever decided not</p> <p>16 to buy a juice product that had sugar added to it.</p> <p>17 A. Okay. And so then what's the new question?</p> <p>18 Q. The new question is, have you ever decided not</p> <p>19 to buy a product that claimed to have no added sugar</p> <p>20 but you read the label and determined that it actually</p> <p>21 had added sugar?</p> <p>22 A. Oh, okay.</p> <p>23 I don't know specifically.</p> <p>24 Q. As you sit here today, can you recall ever</p> <p>25 doing that?</p>	<p style="text-align: right;">Page 24</p> <p>1 label when the front of the label stated that it was an</p> <p>2 excellent source of whole grain; was that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And do you recall on which products you read</p> <p>5 the back of a label with respect to a claim that it was</p> <p>6 an excellent source of whole grain?</p> <p>7 A. Yes, but let me -- when you say "read the back</p> <p>8 of the label," all I do is turn it over and see if</p> <p>9 there is anything that clarified what I was reading on</p> <p>10 the front, whether it was sugar and juices or whole</p> <p>11 grain on the back. And it's confusing, so looked at</p> <p>12 it, but couldn't determine anything.</p> <p>13 Q. My question, ma'am, is simply, which products</p> <p>14 did you read the back of the label on because the front</p> <p>15 of the label said it was an excellent source of whole</p> <p>16 grain?</p> <p>17 A. Okay. The Sara Lee whole wheat bread.</p> <p>18 Q. Any other products?</p> <p>19 A. Pertinent to this, I can't say --</p> <p>20 Q. Any of --</p> <p>21 A. -- specifically.</p> <p>22 Q. Any --</p> <p>23 A. Okay. I just can't -- sorry.</p> <p>24 Q. Sorry. Any other products that -- that made</p> <p>25 the claim that they were an excellent source of whole</p>
<p style="text-align: right;">Page 23</p> <p>1 A. If it said -- okay, I'm trying to be clear on</p> <p>2 this.</p> <p>3 If it said no added sugar and I saw the label</p> <p>4 and determined that it had added sugar?</p> <p>5 Q. And you decided not to buy it.</p> <p>6 A. I don't know that I would know that. I don't</p> <p>7 know that I would understand if it had add -- if it</p> <p>8 said "no added sugar," here's what I would do: I would</p> <p>9 look and see what the total sugar content was. I don't</p> <p>10 think I'd have any way of knowing if it really did have</p> <p>11 added sugar or if that wasn't truthful. I would just</p> <p>12 know -- I would just see that it had a lot of sugar.</p> <p>13 Q. My question --</p> <p>14 A. Sorry.</p> <p>15 Q. My question is, do you recall, as you sit here</p> <p>16 today, ever looking at a juice product that's claimed</p> <p>17 to have no added sugar, reading the back of a label and</p> <p>18 deciding not to buy it because it had added sugar?</p> <p>19 A. No.</p> <p>20 Q. And as you sit here today, do -- can you</p> <p>21 recall any bakery products that claim to have no added</p> <p>22 sugar?</p> <p>23 A. No.</p> <p>24 Q. All right.</p> <p>25 You also said that you read the back of a</p>	<p style="text-align: right;">Page 25</p> <p>1 grain and you read the back of the label. That's what</p> <p>2 I --</p> <p>3 A. I can't say specifically.</p> <p>4 Q. As you sit here today, you recall ever doing</p> <p>5 that with respect to any product other than Sara Lee</p> <p>6 whole wheat bread?</p> <p>7 A. Looking at it, like looking at the back of the</p> <p>8 label?</p> <p>9 Q. That's my question.</p> <p>10 A. Absolutely.</p> <p>11 Q. As you -- that made a claim that it was an</p> <p>12 excellent source of whole grain? That's what we're</p> <p>13 narrowing the focus on.</p> <p>14 A. I see. That I'm not sure of because everybody</p> <p>15 uses different words.</p> <p>16 Q. You say "everybody uses different words."</p> <p>17 What do you mean?</p> <p>18 A. Different brands say different things on the</p> <p>19 front that tout their benefits, if you will. So they</p> <p>20 would all be worded differently. So I can't say for a</p> <p>21 fact that it's excellent source of whole grains.</p> <p>22 Q. Well, do you recall reading the back of a</p> <p>23 label for any product that made a statement other than</p> <p>24 it had no added sugar, was an excellent source of whole</p> <p>25 grain or was low or no fat?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Can't think of anything.</p> <p>2 Q. So if the front of the label didn't make one</p> <p>3 of those claims, you would not read the back of the</p> <p>4 label; is that accurate?</p> <p>5 A. No, that's not accurate.</p> <p>6 Q. So what would make you read the back of the</p> <p>7 label if the front of the label didn't make one of</p> <p>8 those three claims that you've already identified?</p> <p>9 A. Curiosity.</p> <p>10 Q. As you sit here today, what products can you</p> <p>11 recall reading the back of the label of just because</p> <p>12 you were curious?</p> <p>13 A. Oh, gosh.</p> <p>14 Cereal. I can't tell you any specific brands,</p> <p>15 but I would sometimes glance at cereal to see sugar and</p> <p>16 whatnot. I -- any number of things.</p> <p>17 Do you want me to just kind of go down the</p> <p>18 grocery aisle in my brain?</p> <p>19 Q. I want you -- yeah. I want you to list every</p> <p>20 product that you can recall reviewing the back of the</p> <p>21 label on that didn't make one of the three claims</p> <p>22 you've already identified.</p> <p>23 A. Candy bar. I'm going through the grocery</p> <p>24 aisle in my head. I can't think of anything else</p> <p>25 specifically.</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. GORE: Objection. Asked and answered.</p> <p>2 But you can answer.</p> <p>3 THE WITNESS: I don't.</p> <p>4 BY MR. GOODMAN:</p> <p>5 Q. Okay. You said you checked for sugar content;</p> <p>6 is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. How did you check for sugar content on the</p> <p>9 label of the cereal box?</p> <p>10 A. I would either look at how many grams it had,</p> <p>11 which really doesn't mean much to me, or there is a</p> <p>12 percentage thing. I don't know.</p> <p>13 Q. Okay. Did you look at the ingredient list to</p> <p>14 see if there was sugar in the cereal?</p> <p>15 A. Sometimes.</p> <p>16 Q. Do you recall doing that?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall reading the ingredient list for</p> <p>19 any of the candy bars that you reviewed?</p> <p>20 A. No.</p> <p>21 Q. Did you recall looking at the ingredient list</p> <p>22 for the juice products that -- whose labels you</p> <p>23 reviewed?</p> <p>24 A. Yes.</p> <p>25 Q. And do you recall reading any of those</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. What candy bars do you recall reading the back</p> <p>2 of the label for?</p> <p>3 A. I have no idea. Just standing in line,</p> <p>4 whatever's there.</p> <p>5 Q. At the check-out counter --</p> <p>6 A. Yes.</p> <p>7 Q. Wasn't something that you were buying --</p> <p>8 A. No.</p> <p>9 Q. -- you were just reading the back of the label</p> <p>10 on --</p> <p>11 A. Exactly.</p> <p>12 Q. Okay. You've got to wait for me to finish. I</p> <p>13 know it's tempting, but you have to remember, we're not</p> <p>14 having a conversation, even though I'm trying to have a</p> <p>15 conversation. She needs to take down one of us -- one</p> <p>16 of us at a time, so just be patient.</p> <p>17 So these candy bar labels that you were</p> <p>18 reading, it wasn't something that you were purchasing.</p> <p>19 You were just waiting in line to check out and you</p> <p>20 picked up a candy bar and read the back of the label.</p> <p>21 Is that accurate?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And the cereal labels that you read,</p> <p>24 the back of the label, back of the box, do you recall</p> <p>25 what brands of cereal those were, any of the brands?</p>	<p style="text-align: right;">Page 29</p> <p>1 ingredient lists and seeing sugar as an ingredient?</p> <p>2 A. Yes.</p> <p>3 Q. Did you buy any of those juice products where</p> <p>4 you saw sugar as an ingredient?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. When you read the back of the label for</p> <p>7 the bread that had the excellent source of whole grain</p> <p>8 claim, what part of the label did you look at?</p> <p>9 A. The fiber, I believe, would be the first thing</p> <p>10 that I would glance at.</p> <p>11 Q. When you say "the fiber," you mean the fiber</p> <p>12 content in the daily allowance --</p> <p>13 A. Yes.</p> <p>14 Q. -- grid?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you look at anything other than the</p> <p>17 fiber content in the grid?</p> <p>18 A. Not specifically. If a number would jump out</p> <p>19 at me, if I would see a high number, I'd look and see</p> <p>20 what it was. But I can't say what those high numbers</p> <p>21 would be.</p> <p>22 Q. Were you looking for a particular -- strike</p> <p>23 that.</p> <p>24 What was a high number to you?</p> <p>25 A. I don't know. That's a good question.</p>

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<p>1 Just -- I -- I don't know. Just something jumps out at</p> <p>2 you if a percentage seems high or a gram seemed high.</p> <p>3 And I don't know how to -- I'm not an expert, so I</p> <p>4 don't know what it means. But I guess if something</p> <p>5 said 80 percent, I would go, oh, what's that?</p> <p>6 Q. Do you recall ever seeing any product that had</p> <p>7 80 percent of your daily fiber allowance?</p> <p>8 A. No.</p> <p>9 Q. Do you have an -- an understanding of what a</p> <p>10 high percentage daily allowance of fiber is?</p> <p>11 A. No.</p> <p>12 Q. So other than the fiber grid on the excellent</p> <p>13 source of whole grain products, did you look at any</p> <p>14 other part of the label?</p> <p>15 A. Again, not unless a number jumped out at me on</p> <p>16 the overall label.</p> <p>17 Q. Do you recall, as you sit here today, ma'am, a</p> <p>18 number jumping out at you on that type of product and</p> <p>19 you looking at some other part of the label other than</p> <p>20 the fiber content?</p> <p>21 A. No.</p> <p>22 Q. With respect to the no or low fat products,</p> <p>23 what parts of the backs of the labels did you read for</p> <p>24 those products?</p> <p>25 A. The fat part.</p>	<p>1 Q. And who is your current employer?</p> <p>2 A. Evergreen Enterprises.</p> <p>3 Q. Where are you located for Evergreen</p> <p>4 Enterprises? Where is your office?</p> <p>5 A. My car, my home.</p> <p>6 Q. What do you do for Evergreen Enterprises?</p> <p>7 A. I'm a wholesale gift representative.</p> <p>8 Q. What does that mean?</p> <p>9 A. It means I sell all the things people buy that</p> <p>10 they don't know that they need. I sell to Hallmark</p> <p>11 stores, gift stores, nurseries, wineries, all the</p> <p>12 retail product that, like I said, people buy.</p> <p>13 Q. What kind of products?</p> <p>14 A. Everything from birdbaths to hummingbird</p> <p>15 feeders to wine glasses, scarves, jewelry, furniture --</p> <p>16 home furnishings, let's put it that way.</p> <p>17 Q. Home furnishings and accessories, is that</p> <p>18 fair?</p> <p>19 A. Yes, yes. That's better.</p> <p>20 Q. How long have you had that job for Evergreen</p> <p>21 Enterprises?</p> <p>22 A. Four years on March 7th.</p> <p>23 Q. Have you always had the same job</p> <p>24 responsibilities for them?</p> <p>25 A. Yes.</p>
Page 31	Page 33
<p>1 Q. Again, we're talking about the grid?</p> <p>2 A. Yes.</p> <p>3 Q. And the daily allowance of fat?</p> <p>4 A. Right.</p> <p>5 Q. Did you look at any other part of those</p> <p>6 labels?</p> <p>7 A. Again, not unless something sparked my</p> <p>8 curiosity, if I saw that fat content.</p> <p>9 Q. Do you recall, as you sit here today, any</p> <p>10 product that made a low or no fat claim where you</p> <p>11 looked at any part of the label other than the fat</p> <p>12 content on the back of the label?</p> <p>13 A. No.</p> <p>14 Q. We'll come back to some of these purchasing</p> <p>15 issues. Obviously we have a lot to talk about that's</p> <p>16 related to that. But I'd like to get some of your</p> <p>17 background information.</p> <p>18 Where do you currently live?</p> <p>19 A. In San Jose.</p> <p>20 Q. What's your address?</p> <p>21 A. 1523 Treviso, T-R-E-V-I-S-O, Avenue.</p> <p>22 Q. Are you employed?</p> <p>23 A. Yes.</p> <p>24 Q. How long have you lived at that address?</p> <p>25 A. For almost 11 -- wait, wait. Almost 11 years.</p>	<p>1 Q. And your responsibilities are essentially</p> <p>2 sales, you're a salesperson?</p> <p>3 A. I wish that's all it was, but yes. And</p> <p>4 follow-up and customer service.</p> <p>5 Q. Sure.</p> <p>6 Do you sell any food or beverage products?</p> <p>7 A. No.</p> <p>8 Q. Have you held any other positions for</p> <p>9 Evergreen Enterprises?</p> <p>10 A. No.</p> <p>11 Q. Do you have a particular territory?</p> <p>12 A. Yes.</p> <p>13 Q. What is your territory?</p> <p>14 A. The top end of San Francisco, down through</p> <p>15 King City and over as far as Brentwood.</p> <p>16 Q. You must have a lot of miles on your car.</p> <p>17 A. Yes, I do.</p> <p>18 Q. Were you employed before Evergreen</p> <p>19 Enterprises?</p> <p>20 A. Yes.</p> <p>21 Q. What was your job before that?</p> <p>22 A. The same job with a different company.</p> <p>23 Q. Wholesale gift rep?</p> <p>24 A. Yes.</p> <p>25 Q. For which company?</p>

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<p>1 A. Russ, R-U-S-S. Russ Berrie or Russ, it's</p> <p>2 known either way, B-E-R-R-I-E.</p> <p>3 Q. How long did you work for Russ Berrie?</p> <p>4 A. Ten years.</p> <p>5 Q. Did you have the same customers at Russ Berrie</p> <p>6 that you have now?</p> <p>7 A. Some, some.</p> <p>8 Q. Did you have the same territory?</p> <p>9 A. It changed a lot at Russ.</p> <p>10 Q. So when you started at Russ Berrie, were you a</p> <p>11 wholesale gift rep?</p> <p>12 A. Yes.</p> <p>13 Q. What was your territory when you started?</p> <p>14 A. I have no idea. It probably changed -- I</p> <p>15 mean, still the Bay Area, if that's what you're asking.</p> <p>16 But otherwise, it changed drastically, probably five or</p> <p>17 six times in my tenure.</p> <p>18 Q. Do you recall what your territory was when you</p> <p>19 started there?</p> <p>20 A. I don't.</p> <p>21 Q. Okay.</p> <p>22 A. That's a good question.</p> <p>23 Q. You say "it changed drastically." How did it</p> <p>24 change drastically?</p> <p>25 A. Wholesalers are famous for doing that. If you</p>	<p>1 contractors around the country to qualify them to</p> <p>2 install the work that we sold. PG&E Energy Services</p> <p>3 was an ESCO.</p> <p>4 Q. What do you mean?</p> <p>5 A. Energy services company, so they did what</p> <p>6 other companies did. We would sell large projects to</p> <p>7 school districts, hospitals, large commercial</p> <p>8 enterprises to upgrade their operating conditions and</p> <p>9 facilities. But PG&E Energy Services did actually none</p> <p>10 of the physical work. We financed it, put it together,</p> <p>11 contracted it all out. And I worked on the lighting</p> <p>12 portion.</p> <p>13 Q. And you worked with contractors to make sure</p> <p>14 they were qualified to do the projects that you were</p> <p>15 selling to PG&E's customers?</p> <p>16 A. Yes.</p> <p>17 Q. How long did you hold that job for?</p> <p>18 A. It was close to three years, I think.</p> <p>19 Q. So do you recall what year you started at PG&E</p> <p>20 Energy Services?</p> <p>21 A. My daughter was born in '96, so I think it was</p> <p>22 '97. I'm pretty sure it was '97.</p> <p>23 Q. So '97 to --</p> <p>24 A. 2000.</p> <p>25 Q. -- 2000, 2001?</p>
Page 35	Page 37
<p>1 start selling too much, they -- a lot of companies</p> <p>2 believe they should cut your territory and put another</p> <p>3 person in because you can -- can get more dollars with</p> <p>4 more people. If someone would leave the company,</p> <p>5 sometimes they would expand your territory if they</p> <p>6 couldn't fill a position. Towards the end, people were</p> <p>7 dropping like flies because Russ was going down. And</p> <p>8 so my territory at the end went all the way to Pismo</p> <p>9 Beach.</p> <p>10 Q. You say "Russ was going down." What happened</p> <p>11 to Russ?</p> <p>12 A. After 52 years, I think, they went out of</p> <p>13 business. Five weeks after I left. I was one of the</p> <p>14 lucky ones.</p> <p>15 Q. Did you leave there because you knew they were</p> <p>16 struggling?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Were you employed before Russ Berrie?</p> <p>19 A. Yes, in a different industry.</p> <p>20 Q. Okay. What -- what company?</p> <p>21 A. The one before Russ was PG&E Energy Services.</p> <p>22 Q. What did you do for PG&E?</p> <p>23 A. National -- what was my title?</p> <p>24 National contractor relations. I worked -- I</p> <p>25 was a lighting specialist and I worked with lighting</p>	<p>1 A. 2000.</p> <p>2 Q. Okay.</p> <p>3 A. I'm pretty sure.</p> <p>4 Q. And that means you would have been at Russ</p> <p>5 Berrie from 2000 to 2010?</p> <p>6 A. I left there in March of 2011. I -- oh, I had</p> <p>7 a gap in between, sorry. I took some -- almost a year</p> <p>8 off, so that would account -- that would be about that.</p> <p>9 Q. So you started at Russ Berrie in 2001?</p> <p>10 A. Yes -- I think so.</p> <p>11 Q. Something like that.</p> <p>12 A. I'd have to look at my resume, yeah.</p> <p>13 Yes, it was 2001.</p> <p>14 Q. Do you have a current copy of your resume</p> <p>15 existing somewhere?</p> <p>16 A. Somewhere.</p> <p>17 Q. You keep a current copy -- keep your resume</p> <p>18 current?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. Assuming I didn't lose the most recent one in</p> <p>22 my most recent virus.</p> <p>23 Q. When did you get your virus?</p> <p>24 A. Last year. I don't know.</p> <p>25 Q. Have you looked for your resume in the last</p>

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1 year?

2 **A. No.**

3 Q. So then you would -- you've been at Evergreen

4 Enterprises since 2011, correct?

5 **A. Correct.**

6 Q. What did you do during your year between PG&E

7 and Russ?

8 **A. I enjoyed my time with my children and hunted**

9 **for a job.**

10 Q. Had you had any sales experience before you

11 went to Russ?

12 **A. Yes.**

13 Q. Okay. We'll get to that, then.

14 What did you do before you were a national

15 contractor relations person for PG&E?

16 **A. I was with Honeywell.**

17 Q. When were you with Honeywell?

18 **A. For seven years, so '90 through '97 is about**

19 **right.**

20 Q. And what did you do for Honeywell?

21 **A. Started out in facility sales. That was the**

22 **time when the industry was changing drastically. And I**

23 **saw the demand for lighting retrofits as an energy**

24 **conservation project. So I self-educated basically. I**

25 **took every course offered by any lighting company or**

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1 **PG&E itself. And started -- I became the lighting**

2 **specialist at the end.**

3 Q. You say you took any courses available. Were

4 these formal classroom courses or was this online

5 learning?

6 **A. Workshops. I didn't -- I don't think I paid**

7 **for anything. It was all public, like -- like I said,**

8 **the utilities and workshops and seminars.**

9 **THE COURT REPORTER:** Ma'am, you're covering

10 your mic with your hand.

11 **THE WITNESS:** Oh, sorry.

12 **BY MR. GOODMAN:**

13 Q. How many workshops did you go to, that you can

14 recall?

15 **A. No idea.**

16 Q. More than ten?

17 **A. I have no idea. Sorry.**

18 Q. Do you recall how many of these courses that

19 you're referring to, in general, you took --

20 **A. No.**

21 Q. -- while you were at Honeywell?

22 **A. No.**

23 Q. Were they all courses relating to lighting?

24 **A. Yes.**

25 Q. Did you do any home study relating to

Page 40

1 lighting?

2 **A. You mean like formal courses at home?**

3 Q. Yes.

4 **A. No.**

5 Q. Did you do any of your own research relating

6 to lighting, that is, going to the library and looking

7 up articles or doing online research?

8 **A. Online wasn't in place back then. No. I**

9 **mean, if I got a flier for a seminar, I would sign up**

10 **for it. But -- and my lighting contractors, the people**

11 **I'd started to establish relationships with, would**

12 **afford me opportunities to learn about their products**

13 **and how it applied.**

14 Q. So the people you were working with would let

15 you know if something was going on that would allow you

16 to learn more about their products?

17 **A. Absolutely.**

18 Q. Did you find out about these workshops or

19 seminars in any way other than by getting a flier or

20 from the people you were working with?

21 **A. I have no idea.**

22 Q. Okay.

23 **A. No Internet, so...**

24 Q. There wasn't Internet --

25 **A. Yeah, I would -- I could tell you stories,**

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1 **but...**

2 Q. Did you have a job before Honeywell?

3 **A. Oh, my gosh, yes.**

4 Q. What -- who did you work for?

5 **A. How far back do you want to go?**

6 Q. All the way.

7 **A. I had a job I hated before Honeywell. I**

8 **should never have done it. I was a loan officer -- you**

9 **can see I even blocked the words -- for a mortgage**

10 **broker.**

11 Q. Which mortgage broker?

12 **A. Oh, my god. I can't believe I can remember**

13 **the name of this, Bay Point Financial.**

14 Q. I should have asked you, your -- at PG&E

15 Energy Services job, where were you located?

16 **A. 345 California Street --**

17 Q. San Francisco?

18 **A. -- in San Francisco.**

19 Q. And Honeywell, what city?

20 **A. Originally on North First Street in San Jose.**

21 **And then our offices moved to Hayward at some point.**

22 Q. And where was Bay Point Financial?

23 Just give me the city.

24 **A. I know. I'm trying to -- I want to say he**

25 **moved. I -- Palo -- Palo Alto, I think, for part of**

<p style="text-align: right;">Page 42</p> <p>1 it. But I think he moved. I can't remember.</p> <p>2 Q. Okay. What years were you a mortgage loan</p> <p>3 officer?</p> <p>4 A. Oh, my gosh, maybe like '89 and '90. Got my</p> <p>5 real estate license to do that, of course. But I can't</p> <p>6 remember when. It was right around '89 and '90.</p> <p>7 Q. What did you do as a loan officer?</p> <p>8 A. Basically looked for people who needed to make</p> <p>9 real estate loans.</p> <p>10 Q. You mean the individual homeowners or --</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Yes.</p> <p>14 Q. So you had a job before Bay Point Financial?</p> <p>15 A. '85 -- so '85 to '88, I think would be the</p> <p>16 time frame, I ran a company called Teddy Bear Express</p> <p>17 in San Bruno. We delivered teddy bears with balloons</p> <p>18 just like a florist sends flowers.</p> <p>19 Q. You say you ran the company. Was it your</p> <p>20 company?</p> <p>21 A. No.</p> <p>22 Q. What was your job title?</p> <p>23 A. Manager.</p> <p>24 Q. Any jobs before Teddy Bear Express?</p> <p>25 A. Yes. I opened -- I was the owner of a yogurt</p>	<p style="text-align: right;">Page 44</p> <p>1 I was in retail. So I would -- worked at I.Magnin for</p> <p>2 a couple of years. Can't tell you the years. And I</p> <p>3 worked at Emporium for a year or two, as well. So</p> <p>4 while I had my yogurt shop, I also worked over the hill</p> <p>5 in retail.</p> <p>6 Q. And where was the I.Magnin and --</p> <p>7 A. Cupertino.</p> <p>8 Q. Both of them?</p> <p>9 A. Yes.</p> <p>10 Q. What -- and what were your jobs, as a -- just</p> <p>11 a salesperson?</p> <p>12 A. Yes. At I.Magnin, I sold lingerie. And at</p> <p>13 Emporium, I sold shoes.</p> <p>14 Q. Any jobs before the yogurt shop and working</p> <p>15 for I.Magnin?</p> <p>16 A. While I was in college I worked retail.</p> <p>17 Q. Where did you go to college?</p> <p>18 A. The first year and two quarters, if you will,</p> <p>19 I went to Foothill. And then I transferred to Cal Poly</p> <p>20 in San Luis Obispo.</p> <p>21 Q. What years were you at Foothill?</p> <p>22 A. '78, fall of '78 through spring of '80.</p> <p>23 Q. And at Cal Poly?</p> <p>24 A. I transferred to Cal Poly spring of '80. And</p> <p>25 left there spring of '82. I did not graduate. I left</p>
<p style="text-align: right;">Page 43</p> <p>1 shop in 1982 and sold it in 1985.</p> <p>2 Q. What was the name of the yogurt shop?</p> <p>3 A. Fro-Yo.</p> <p>4 Q. F-R-O-Y-O?</p> <p>5 A. Yes. F-R-O, hyphen, Y-O, the Fro-Yo Shoppe,</p> <p>6 S-H-O-P-P-E.</p> <p>7 Q. And where was the Fro-Yo Shoppe located?</p> <p>8 A. SoCal, California</p> <p>9 Q. I'm sorry?</p> <p>10 A. SoCal. Oh, over by Aptos, Capitola.</p> <p>11 Q. What did you do at the Fro-Yo yogurt shop?</p> <p>12 A. Everything.</p> <p>13 Q. Did you purchase the ingredients for the</p> <p>14 frozen yogurt?</p> <p>15 A. Yes.</p> <p>16 Q. And you made the frozen yogurt?</p> <p>17 A. Yes.</p> <p>18 Q. And you sold it?</p> <p>19 A. Yes.</p> <p>20 Can I add something else to confuse things?</p> <p>21 Q. Sure.</p> <p>22 A. During the time from 1982 when I opened the</p> <p>23 yogurt shop, all the way through '85 and then</p> <p>24 again -- somewhere between '82 and '85 and then again</p> <p>25 at a point through like '89, I also worked another job.</p>	<p style="text-align: right;">Page 45</p> <p>1 to open my yogurt shop.</p> <p>2 Q. Have you ever obtained any degrees?</p> <p>3 A. No.</p> <p>4 Q. Did you have a major before you left Cal Poly?</p> <p>5 A. Yes.</p> <p>6 Q. What was your major?</p> <p>7 A. Business.</p> <p>8 Q. Other than the yogurt shop, have you ever been</p> <p>9 in the food business?</p> <p>10 A. No.</p> <p>11 Q. For your frozen yogurt shop, did you purchase</p> <p>12 a premixed product that was then made into frozen</p> <p>13 yogurt?</p> <p>14 A. Yes.</p> <p>15 Q. From whom did you purchase that?</p> <p>16 A. More than one source. I can't remember.</p> <p>17 Q. It was a while ago, obviously.</p> <p>18 A. Yeah, I know. It's on the tip of my tongue.</p> <p>19 Q. Do you know what was in the premixed product?</p> <p>20 A. There were -- there was a variety. We</p> <p>21 bought one from a company called Continental. I don't</p> <p>22 know if -- if I bought it directly from them or if I</p> <p>23 bought it through a distributor. I can't remember</p> <p>24 that. Continental -- Continental. And I can't</p> <p>25 remember. There was a couple of main ones.</p>

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1 Q. Do you know what was in the -- the premix that
2 you bought from these distributors?
3 **A. Do I know what was in them?**
4 Q. Yeah, what the ingredients were.
5 **A. At the time, I did, yes.**
6 Q. Do you recall as you sit here today?
7 **A. The only thing I can tell you in generalities**
8 **is that I remember we had a source. One was creamier,**
9 **more like ice cream, but it was still yogurt. One was**
10 **icier. And it was -- had less sugar, so it was tart.**
11 **And those were the main two differentiators.**
12 Q. Do you know what made it icier and creamier?
13 **A. No.**
14 Q. Do you know what made it tart?
15 **A. That it had less sugar, yes.**
16 Q. Do you know if there was anything else that
17 made it tart other than the fact that it had less
18 sugar?
19 **A. No.**
20 Q. You said you had a daughter in 1987 -- I'm
21 sorry. 1997?
22 **A. 1996.**
23 Q. 1996.
24 Do you have any other kids?
25 **A. Yes. My son was born in 1993.**

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1 Q. Do your children still live with you?
2 **A. No.**
3 Q. When was the last time they had permanent
4 residence with you? The year.
5 **A. My daughter went away to college in August of**
6 **last year. My son hasn't lived with me since 2000 and**
7 **-- probably '11, maybe '12. Yeah, '12. But they've**
8 **always split residency with my ex-husband, so...**
9 Q. For how long did they split residency with
10 your ex-husband?
11 **A. We divorced in 2004.**
12 Q. So since 2004?
13 **A. Yes.**
14 Q. When you say they split residency, what do you
15 mean?
16 **A. They go back and forth between the two houses.**
17 Q. Do you have an equal custody arrangement?
18 **A. Yes.**
19 Q. Or did you?
20 **A. Yeah.**
21 Q. Where does your ex- -- where does your
22 ex-husband live?
23 **A. In Saratoga.**
24 Q. Has he lived there since 2004?
25 **A. Yes.**

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1 Q. Have you remarried?
2 **A. No.**
3 **I'm sorry. Did you ask if I've remarried or**
4 **he's remarried?**
5 Q. Yes. No, if you've remarried.
6 **A. No, I have not. Neither of us have.**
7 Q. During the time that your children lived with
8 you, did they do any grocery shopping?
9 **A. No.**
10 Q. Have you always done all the grocery shopping
11 for your household? And by "always," let's put it in
12 the last -- since 2008.
13 **A. Yes.**
14 Q. How much would you say you spend on groceries
15 in a year?
16 **A. Oh, my gosh. Maybe 200 a month, so 2400.**
17 **It's not a lot, I don't think.**
18 Q. And would you say that it's roughly the same
19 amount per month, that \$200 per month on groceries that
20 you have spent since 2008?
21 **A. No. It's changed since I am now an empty**
22 **nester.**
23 Q. Do you recall, as you sit here today, what you
24 were spending on groceries monthly in 2008, when you
25 had the two kids living with you part-time?

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1 **A. If I had the receipts, I would add them up.**
2 **But I don't, so I don't.**
3 Q. Can you tell me -- give me a ballpark monthly
4 amount that you believe you spent on groceries while
5 your children were living with you?
6 **A. I'd say, you know, I -- I wish I knew. You**
7 **know, when I said 200, I was kind of thinking overall**
8 **in the big picture. Like, I'd say, it was probably**
9 **more like 300 when I had the kids. And now it's**
10 **probably more like a hundred, if that helps.**
11 Q. So you were giving the 200 as sort of an
12 average over --
13 **A. Time, yeah.**
14 Q. -- over time. How much time would you say
15 that average is?
16 **A. I'd say probably maybe over the last like five**
17 **years. Because as kids get older, they spend less time**
18 **at home.**
19 Q. I'm starting to see that.
20 **A. Yeah.**
21 Q. No appreciation.
22 Since you've been an empty nester, which would
23 have been since August of last year, that's 2014 --
24 **A. Yes.**
25 Q. -- you estimate that you spend roughly \$100 a

<p style="text-align: right;">Page 50</p> <p>1 month on groceries; is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. Where do you do your grocery -- or where have</p> <p>4 you done your grocery shopping since you've been an</p> <p>5 empty nester?</p> <p>6 A. This flies in the face of logic, but Costco as</p> <p>7 a single person. And Safeway and Trader Joe's.</p> <p>8 Q. And during the time that you had the kids with</p> <p>9 you and you were spending roughly \$300 a month, where</p> <p>10 were you doing your shopping?</p> <p>11 A. Those same three places, possibly a bit at</p> <p>12 Target as well. And some at Lucky's, but very little.</p> <p>13 And with the occasional stop at whatever was</p> <p>14 convenient, if I happened to be driving by. So I think</p> <p>15 that's it -- oh, Nob Hill. Sorry. Nob Hill.</p> <p>16 Q. Of the \$100 a month that you spend currently</p> <p>17 on groceries, how much do you believe you spend at</p> <p>18 Costco?</p> <p>19 A. Probably half of it.</p> <p>20 Q. And how much at Safeway?</p> <p>21 A. You know, and it may be a bit more. So let me</p> <p>22 think about it this way. If I go to Trader Joe's once</p> <p>23 a month, I spend 30 or \$40. So I probably spend more</p> <p>24 than I think I do. I go to Safeway -- yeah, I probably</p> <p>25 spend 50 or \$60. And go to Costco and probably spend</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Can you think of anything else other than</p> <p>2 vegetables, pita chips, quinoa salad, salmon, half and</p> <p>3 half, sour cream and cheese products, including cottage</p> <p>4 cheese?</p> <p>5 A. Not on a regular basis. Anything else would</p> <p>6 be a one-off.</p> <p>7 Q. And what do you typically buy at Safeway?</p> <p>8 A. Whatever I can't get at Costco, bread,</p> <p>9 sometimes juice. I don't buy cereal anymore. That's a</p> <p>10 really good -- oh, wine. I like their 30 percent off.</p> <p>11 Beer, pasta -- they have the fresh pasta -- and</p> <p>12 anything I need for a specific recipe.</p> <p>13 Q. When you say you buy "fresh pasta," are you</p> <p>14 buying Safeway brand?</p> <p>15 A. Whatever they have. They -- they have a new</p> <p>16 brand. I don't know what it's called. And I'm not</p> <p>17 sure if it's a Safeway or if it's a private -- private</p> <p>18 label or what. But it's the -- it's the Fettuccine</p> <p>19 type, not the filled pastas.</p> <p>20 Q. Do you know what any of the ingredients are in</p> <p>21 the fresh pasta?</p> <p>22 A. No.</p> <p>23 Q. What kind of juice do you buy at Safeway?</p> <p>24 A. Whatever my daughter wants. Usually an</p> <p>25 orange/mango or something like that.</p>
<p style="text-align: right;">Page 51</p> <p>1 50 or 60. So I probably spend 150 a month, would be</p> <p>2 more accurate. Costco is slightly weighted more.</p> <p>3 Q. So you believe you go to Trader Joe's about</p> <p>4 once a month now?</p> <p>5 A. Yeah, probably. Maybe twice, but two small</p> <p>6 purchases.</p> <p>7 Q. How many times do you go to Safeway currently?</p> <p>8 A. As little as possible. Probably twice a</p> <p>9 month.</p> <p>10 Q. And Costco, do you go there --</p> <p>11 A. Twice a month.</p> <p>12 Q. -- twice a month?</p> <p>13 A. But I'm one of those lucky people. I don't</p> <p>14 leave Costco with hundreds of dollars in product. I</p> <p>15 get what I need and I leave.</p> <p>16 Q. Do you have certain items that you buy at</p> <p>17 Costco?</p> <p>18 A. Yes.</p> <p>19 Q. What do you typically buy at Costco?</p> <p>20 A. Half and half for my coffee, sour cream,</p> <p>21 cottage cheese, any cheese products, and then salmon,</p> <p>22 quinoa salad. Just certain things.</p> <p>23 Q. Is there anything else you can think of?</p> <p>24 A. Pita chips. Oh, vegetables. That's the</p> <p>25 basics.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Do you know what brands you buy?</p> <p>2 A. I'm trying to picture it. I'm not sure. It</p> <p>3 could be Dole. I'm missing one. I -- I'm not sure.</p> <p>4 Q. Okay. Do you know what kind of bread you buy</p> <p>5 at Safeway?</p> <p>6 A. Let me back up one second. Is that okay? On</p> <p>7 juice.</p> <p>8 Q. Sure. Of course, yeah.</p> <p>9 A. Because I only buy it at Safeway if I can't</p> <p>10 get to Trader Joe's. Trader Joe's has better juices.</p> <p>11 Sorry.</p> <p>12 Q. We'll get to Trader Joe's.</p> <p>13 A. Yeah, I know. I thought we would. We'll see</p> <p>14 if I can make it until then. The bathroom is getting</p> <p>15 close.</p> <p>16 What was your next question? I apologize.</p> <p>17 Q. So the fact that you recall that you buy more</p> <p>18 juice at Trader Joe's, does that do anything to refresh</p> <p>19 your recollection about what brands of juice you buy at</p> <p>20 Safeway?</p> <p>21 A. No.</p> <p>22 Q. Okay. My question was, do you -- what kind of</p> <p>23 bread do you buy at Safeway? Again, I'm talking about</p> <p>24 the time that you're an empty nester, right?</p> <p>25 A. Right.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q. Yeah.</p> <p>2 A. Okay. So baguettes -- because it has changed</p> <p>3 since I am an empty nester. And the Safeway fresh --</p> <p>4 the stuff they make there, the, like, sweet French.</p> <p>5 That's a whole loaf that isn't sliced. I don't buy</p> <p>6 bagels anymore. I think that's it for currently.</p> <p>7 MR. GORE: Excuse me. Mark, according to your</p> <p>8 watch, we've been going about an hour and ten minutes.</p> <p>9 Could we take a restroom break?</p> <p>10 MR. GOODMAN: Sure.</p> <p>11 MR. GORE: Okay. Try to keep it to ten</p> <p>12 minutes and get back on.</p> <p>13 THE VIDEOGRAPHER: Going off the record. The</p> <p>14 time is 11:30 a.m.</p> <p>15 (Short recess taken.)</p> <p>16 THE VIDEOGRAPHER: Back on the record. The</p> <p>17 time is 11:42 a.m.</p> <p>18 BY MR. GOODMAN:</p> <p>19 Q. Ms. Streit, before we went off the record, we</p> <p>20 were talking about your purchases at Safeway. You --</p> <p>21 since you've become an empty nester, as you put it,</p> <p>22 have you bought any sliced bread at Safeway?</p> <p>23 A. Excuse me. No.</p> <p>24 Q. Do you buy any bread products at Costco?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Other than flour, no.</p> <p>2 Q. Do you know what the ingredients are in the</p> <p>3 sweet French bread?</p> <p>4 A. No.</p> <p>5 Q. Are either of those breads whole wheat?</p> <p>6 A. No.</p> <p>7 Q. The shepherd's bread that you buy at the</p> <p>8 Pacific Grove bakery, is that whole wheat?</p> <p>9 A. It's wheat based. It's got all kinds of stuff</p> <p>10 in it, like nuts and stuff.</p> <p>11 Q. Do you know what the ingredients are in that</p> <p>12 bread?</p> <p>13 A. No. It doesn't have a label.</p> <p>14 Q. Okay. Do -- did you ask the people at the</p> <p>15 bakery what's in it?</p> <p>16 A. No.</p> <p>17 Q. Do you know whether it's whole wheat?</p> <p>18 A. No.</p> <p>19 Q. Do you buy any bakery products at Trader</p> <p>20 Joe's?</p> <p>21 A. Sometimes I'll buy a baguette there.</p> <p>22 Q. Is that a brand, baguette?</p> <p>23 A. No. I'm -- it's probably Trader Joe's own</p> <p>24 brand. I don't know.</p> <p>25 Q. Do you know what the ingredients are in that</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Do you buy any bakery products other than</p> <p>2 baguettes and sweet French bread?</p> <p>3 A. I buy, like, fresh bread from the bakery.</p> <p>4 There's a bakery I love in Pacifica. Oh, not Pacifica.</p> <p>5 Oh, my god, Pacific Grove. So I buy their shepherd's</p> <p>6 bread, I think they call it -- or farmer's bread.</p> <p>7 Q. Do you buy any bakery products at Costco?</p> <p>8 A. Not since the kids left.</p> <p>9 Q. And that's -- that's the time period we're</p> <p>10 talking about --</p> <p>11 A. Okay.</p> <p>12 Q. -- just so it's clear.</p> <p>13 A. Yes.</p> <p>14 Q. We'll -- we'll get into when the kids were</p> <p>15 still living with you.</p> <p>16 Do you buy any bakery products at Safeway</p> <p>17 other than the baguettes and sweet French bread?</p> <p>18 A. No.</p> <p>19 Q. What's the difference between a baguette and</p> <p>20 sweet French bread, to your understanding?</p> <p>21 A. The baguette is the skinny one. You slice it</p> <p>22 up as a -- with hors d'oeuvres. And the sweet french</p> <p>23 is a bigger loaf.</p> <p>24 Q. Do you know what the ingredients are in the</p> <p>25 baguette?</p>	<p style="text-align: right;">Page 57</p> <p>1 baguette?</p> <p>2 A. There's two different ones. One is just a</p> <p>3 plain one, so it's -- other than flour, no, I don't</p> <p>4 know. The other one is seeded. So it's got poppy</p> <p>5 seeds and sunflower seeds and all kinds of seeds on the</p> <p>6 outside of it.</p> <p>7 Q. Other than being seeded, do you know what the</p> <p>8 ingredients are?</p> <p>9 A. No.</p> <p>10 Q. Do you know what the brand is of the seeded</p> <p>11 baguette?</p> <p>12 A. No.</p> <p>13 Q. Do you buy any other bakery products at Trader</p> <p>14 Joe's?</p> <p>15 A. No.</p> <p>16 Q. What else do you buy at Trader Joe's?</p> <p>17 A. Seasonings, juice when my daughter's here.</p> <p>18 Oh, crackers, water crackers. Treats, like for gifts,</p> <p>19 you know. Sweet things, like at the holidays.</p> <p>20 Occasionally half and half, if I can't get to Costco.</p> <p>21 There is a pasta sauce, I like, arrabbiata.</p> <p>22 And, again, if I can't get to Costco, some</p> <p>23 vegetables. I mean there is a lot of stuff I like, I</p> <p>24 just don't buy it on a regular basis, you know,</p> <p>25 bruschetta sauce, the frozen lamb, rack of lamb. But</p>

<p style="text-align: right;">Page 58</p> <p>1 those are, you know, twice a year purchases. Seems</p> <p>2 like I buy more there.</p> <p>3 Q. Can you think of anything else as you're</p> <p>4 sitting here today?</p> <p>5 A. There must be. Some canned products like</p> <p>6 black beans. Flowers. Nuts, you know, like almonds.</p> <p>7 Anything else will just be a one-off.</p> <p>8 Q. What seasonings do you buy at Trader Joe's?</p> <p>9 A. They have one that's called Everyday</p> <p>10 Seasoning. It's a grinder. That's mainly the one I</p> <p>11 buy. If I'm out of pepper, I'll buy pepper there.</p> <p>12 Q. Is it a Trader Joe's brand?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know what's in the seasoning?</p> <p>15 A. No. But it's great.</p> <p>16 Q. What brand juice do you buy there?</p> <p>17 A. Trader Joe's.</p> <p>18 Q. Do you know what the ingredients of the juice</p> <p>19 are?</p> <p>20 A. Other than orange and mango, no.</p> <p>21 Q. And you know that because you're buying orange</p> <p>22 juice and mango juice?</p> <p>23 A. It -- yeah, it says orange mango.</p> <p>24 Q. Okay. And the water crackers, are those also</p> <p>25 Trader Joe's?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. I would say, in general, more ready-to --</p> <p>2 ready-to-eat products, like frozen dishes. Mini tacos,</p> <p>3 that kind of thing. Croissants, and those were fresh</p> <p>4 from their bakery. Just things that were more in bulk.</p> <p>5 Maybe cereal, when they had Grape-Nuts. Sliced cheese.</p> <p>6 Oh, frappuccinos, the individual jars. And I can't</p> <p>7 think of anything else specifically.</p> <p>8 Q. Did you buy any bakery items other than the</p> <p>9 croissants at Costco?</p> <p>10 A. Sometimes bagels.</p> <p>11 Q. Do you know what brand bagels you buy at</p> <p>12 Costco --</p> <p>13 A. Costco? The fresh. And also their garlic</p> <p>14 bread before they discontinued it, their own fresh</p> <p>15 baked bread.</p> <p>16 Q. Do you recall any other bakery items you</p> <p>17 bought at Costco?</p> <p>18 A. Mm-hmm. No.</p> <p>19 Sorry.</p> <p>20 Q. Do you know what was in the garlic bread?</p> <p>21 A. No.</p> <p>22 Q. Do you know what the ingredients of the bagels</p> <p>23 were?</p> <p>24 A. Nope. I think flour and water, unless I</p> <p>25 bought seeded ones.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes, they are.</p> <p>2 Q. Do you know what's in those?</p> <p>3 A. Other than flour, no. They're just your basic</p> <p>4 water cracker.</p> <p>5 Q. Do you know what's in the pasta sauce?</p> <p>6 A. Other than tomatoes, no.</p> <p>7 Q. And that's a Trader Joe's pasta sauce?</p> <p>8 A. Yes, or they like to call it -- it's Trader</p> <p>9 Gioto's. So yes, it is Trader Joe's.</p> <p>10 Q. It's an Italian Joe?</p> <p>11 A. Yeah, exactly.</p> <p>12 Q. All right.</p> <p>13 Do you buy any cakes or donuts or anything</p> <p>14 like that now that you're an empty nester?</p> <p>15 A. Not anymore.</p> <p>16 Q. Cookies?</p> <p>17 A. No. Girl scout cookies, but it's to give</p> <p>18 away.</p> <p>19 Q. During the time that your children lived with</p> <p>20 you, did you buy anything different at Costco, Safeway,</p> <p>21 and Trader Joe's, other than what you've already listed</p> <p>22 for me?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. What else did you buy at Costco during</p> <p>25 the time that your children lived with you?</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Do you recall ever buying any seeded bagels at</p> <p>2 Costco?</p> <p>3 A. Yes, not as often as the plain ones, though.</p> <p>4 Q. Did you buy any other flavors of bagels at</p> <p>5 Costco?</p> <p>6 A. No.</p> <p>7 Q. Do you know what the brand of frappuccino that</p> <p>8 you bought was?</p> <p>9 A. Starbucks.</p> <p>10 Q. Do you know what the ingredients were in the</p> <p>11 frappuccino?</p> <p>12 A. Nope.</p> <p>13 Q. What kind of sliced cheese did you buy at</p> <p>14 Costco?</p> <p>15 A. Cheddar, or if they had an assortment of jack</p> <p>16 and Swiss.</p> <p>17 Q. Did you buy American cheese at Costco?</p> <p>18 A. No.</p> <p>19 Q. Do you ever buy American cheese at all?</p> <p>20 A. No.</p> <p>21 Q. Not a fan?</p> <p>22 A. No.</p> <p>23 Q. You said you bought Grape-Nuts at Costco?</p> <p>24 A. Yeah.</p> <p>25 Q. Did you buy any other breakfast cereals?</p>

Page 62	Page 64
<p>1 A. Maybe Shredded Wheat once or twice.</p> <p>2 Q. Any others?</p> <p>3 A. No.</p> <p>4 Q. How often would you buy Grape-Nuts?</p> <p>5 A. Twice a year, maybe.</p> <p>6 Sounds like I don't feed my kids.</p> <p>7 Q. Did you read the ingredients in the</p> <p>8 Grape-Nuts?</p> <p>9 A. No.</p> <p>10 Q. The Shredded Wheat?</p> <p>11 A. No.</p> <p>12 Q. Do you know what the croissants were made</p> <p>13 from?</p> <p>14 A. No.</p> <p>15 Q. What brand mini tacos did you buy?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know what was in the mini tacos as far</p> <p>18 as ingredients were concerned?</p> <p>19 A. Other than corn -- little corn tortillas and</p> <p>20 chicken, no. They were chicken and cheese, I believe</p> <p>21 was the variation.</p> <p>22 Q. Did you buy any other frozen foods at Costco</p> <p>23 other than chicken and cheese mini tacos?</p> <p>24 A. Yes. Years ago mozzarella sticks. And I</p> <p>25 don't know the brand because they always change it.</p>	<p>1 A. Chicken? Well, there better have been.</p> <p>2 Q. Okay. Can you think of anything else that you</p> <p>3 bought at Costco during the time that you -- your kids</p> <p>4 lived with you that you haven't already listed for me?</p> <p>5 A. Only other things would be primarily</p> <p>6 gift-related products, like macadamia nuts, tradition</p> <p>7 for Christmas.</p> <p>8 Q. What did you buy at Safeway during the time</p> <p>9 that your children lived with you that you didn't</p> <p>10 already list for me?</p> <p>11 A. Let -- let me add one more thing to Costco</p> <p>12 because it's on both stores, lunch meat, and their</p> <p>13 specific brand. At Costco we like the herb turkey the</p> <p>14 best. It's a fresh one from the deli.</p> <p>15 But moving on to Safeway, though -- gosh,</p> <p>16 okay. So butter, lunch meat, tortillas -- you're going</p> <p>17 to need a few pages for this. When my kids lived with</p> <p>18 me, right? That's what we're --</p> <p>19 Q. Yeah, that's what we're talking about.</p> <p>20 A. Okay, good. Refried beans, salad dressing,</p> <p>21 fruits and vegetables, oatmeal, cream cheese,</p> <p>22 eggs -- oh, eggs at Costco, too. Sorry.</p> <p>23 Cookie dough, dog food, smoked sausage.</p> <p>24 THE COURT REPORTER: I'm sorry to bother you,</p> <p>25 but I'm going to need you to keep your hands away from</p>
Page 63	Page 65
<p>1 Q. Are those the breaded mozzarella sticks?</p> <p>2 A. Yes.</p> <p>3 Q. Buy any other frozen foods, again, at Costco?</p> <p>4 A. I know, yeah. Those Angus cheeseburgers, I</p> <p>5 don't know the brand. And a pasta -- frozen pasta bag</p> <p>6 that had garlic and chicken and vegetables in it.</p> <p>7 Q. Do you know what the ingredients were in that,</p> <p>8 other than garlic, chicken and vegetables?</p> <p>9 A. No.</p> <p>10 Q. Do you recall any other frozen foods that you</p> <p>11 bought at Costco?</p> <p>12 A. Oh, orange chicken.</p> <p>13 Q. What's that?</p> <p>14 A. It's like a Chinese dish. You know, it's just</p> <p>15 a bag of orange chicken, orange-flavored chicken.</p> <p>16 Q. What brand was that?</p> <p>17 A. Don't know.</p> <p>18 Q. Do you know what the ingredients were in the</p> <p>19 orange-flavored chicken?</p> <p>20 A. Other than orange and chicken, no.</p> <p>21 Q. Do you know if there was orange in the</p> <p>22 orange-flavored chicken?</p> <p>23 A. That's a good question. I don't know.</p> <p>24 Q. Okay. Do you know if there was chicken in the</p> <p>25 orange-flavored chicken?</p>	<p>1 the --</p> <p>2 THE WITNESS: Sorry. Okay.</p> <p>3 THE COURT REPORTER: I can hear it and it will</p> <p>4 go on the video.</p> <p>5 THE WITNESS: Oh, okay.</p> <p>6 Bacon at Costco. I forgot that one.</p> <p>7 Do you want me to continue down the aisles?</p> <p>8 BY MR. GOODMAN:</p> <p>9 Q. Yes.</p> <p>10 A. Okay. Bottled water. When the kids were</p> <p>11 there, I bought soda. We don't do soda anymore.</p> <p>12 Tortilla chips, popcorn, pasta sauce, flour, sugar,</p> <p>13 brownie mix. Those are the key items.</p> <p>14 Q. Did you buy any bakery products at Safeway?</p> <p>15 A. Oh, yeah. Sorry. I didn't get to that aisle.</p> <p>16 Bagels. And there would be a variety of</p> <p>17 flavors, just depending on what they asked for.</p> <p>18 Q. "They," being your kids?</p> <p>19 A. Yes. What was hot at the moment.</p> <p>20 I already said tortillas, right?</p> <p>21 Q. Yes, ma'am.</p> <p>22 A. Okay. That's not really bakery. And then of</p> <p>23 course whole wheat bread. And some sliced French. I</p> <p>24 think that's it.</p> <p>25 Q. Okay. Did you buy any cookies, cake, donuts</p>

<p style="text-align: right;">Page 66</p> <p>1 at Safeway?</p> <p>2 A. Just -- okay, wait, two more things.</p> <p>3 The little blueberry mini muffin things. And</p> <p>4 then the donuts, and then also -- what's the other</p> <p>5 donuts? Sometimes the full-size Softees, and sometimes</p> <p>6 the little -- and this was so rare, the little ones.</p> <p>7 The little --</p> <p>8 Q. Mini?</p> <p>9 A. -- chocolate waxy ones, yeah.</p> <p>10 Q. What do you mean "chocolate waxy ones"?</p> <p>11 A. They're dipped in chocolate. And my</p> <p>12 description of them is they -- they're waxy, the</p> <p>13 surface.</p> <p>14 Q. Any other bakery type items at Safeway during</p> <p>15 the time that your kids lived with you?</p> <p>16 A. I would also still buy the sweet French like I</p> <p>17 do now.</p> <p>18 Q. Right, but additionally to what you --</p> <p>19 A. Right.</p> <p>20 No.</p> <p>21 Q. Okay.</p> <p>22 A. Not that I can recall.</p> <p>23 Q. Did you buy donuts other than the Softees at</p> <p>24 Safeway?</p> <p>25 A. At Safeway?</p>	<p style="text-align: right;">Page 68</p> <p>1 the little waxy ones in a bag and the Softees in a box?</p> <p>2 A. Not that I can recall. Oh, except for</p> <p>3 sometimes the fresh ones in the bakery, if we just</p> <p>4 needed, like, two.</p> <p>5 Q. Do you recall buying fresh donuts at the</p> <p>6 Safeway bakery?</p> <p>7 A. Yes.</p> <p>8 Q. And by fresh, you mean that they were baked</p> <p>9 there at the --</p> <p>10 A. Yes. They were in the --</p> <p>11 Q. They were not in a box?</p> <p>12 A. No.</p> <p>13 Q. Or a bag?</p> <p>14 A. No.</p> <p>15 Q. Do you know what the ingredients were in the</p> <p>16 fresh baked donuts?</p> <p>17 A. No.</p> <p>18 Q. Do you know what the ingredients were in the</p> <p>19 Softees donuts?</p> <p>20 A. No.</p> <p>21 Q. Did you ever read the ingredients on the</p> <p>22 Softees donuts?</p> <p>23 A. No.</p> <p>24 Q. Did you ever read the label on the Softees</p> <p>25 donuts?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Yes.</p> <p>2 A. I don't -- well, the little ones, but I can't</p> <p>3 remember the brand on those little ones.</p> <p>4 Q. Do you know whether that was a Softees</p> <p>5 product?</p> <p>6 A. It might have been Entenmann's, but I don't</p> <p>7 remember it saying Softees, because I think</p> <p>8 Softees -- I apologize.</p> <p>9 (Interruption in the room, 12:03 p.m.)</p> <p>10 Is only for the, what I would call, fresh</p> <p>11 baked ones.</p> <p>12 Q. What do you mean?</p> <p>13 A. The -- the other ones come in a bag, the</p> <p>14 little waxy ones.</p> <p>15 Q. As opposed to a box?</p> <p>16 A. Yes, or at least they did.</p> <p>17 Q. Do you know whether the little waxy ones were</p> <p>18 labeled?</p> <p>19 A. I would assume they were.</p> <p>20 Q. Do you know whether they were?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you recall ever reading a label of any of</p> <p>23 the little waxy chocolate donuts that you bought?</p> <p>24 A. No.</p> <p>25 Q. Did you buy any donuts at Safeway other than</p>	<p style="text-align: right;">Page 69</p> <p>1 A. No.</p> <p>2 Q. Did you read the label on the chocolate waxy</p> <p>3 donuts?</p> <p>4 A. I'm sorry. I thought you were asking about</p> <p>5 the chocolate waxy ones that whole time. I -- I</p> <p>6 completely -- can you back up?</p> <p>7 Q. Sure. I was asking about the Softees. That's</p> <p>8 what I was asking about.</p> <p>9 A. Okay. When you're -- I completely --</p> <p>10 Q. Did you read the ingredients on the Softees</p> <p>11 donuts?</p> <p>12 A. No, not on the back, if that's what you're</p> <p>13 asking, the actual ingredients.</p> <p>14 Q. The ingredients?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did you read the label on the Softees</p> <p>17 donuts?</p> <p>18 A. Again, on the back?</p> <p>19 Q. Any part of the box.</p> <p>20 A. Yeah. Just the front.</p> <p>21 Q. Okay. What part of the label did you -- what</p> <p>22 part of the front label did you read?</p> <p>23 A. Anything that was visible.</p> <p>24 Q. Did you read the best by date?</p> <p>25 A. Yes. I -- I can't -- and I don't know if it's</p>

<p style="text-align: right;">Page 70</p> <p>1 identified as "best by" or "used buy." I'm not sure</p> <p>2 that -- everybody uses different terminology, but yes,</p> <p>3 I would read the date.</p> <p>4 Q. Fair enough.</p> <p>5 A. Okay.</p> <p>6 Q. We can just -- I think you and I are saying</p> <p>7 the same thing. Can I just call it a best by --</p> <p>8 A. Sure.</p> <p>9 Q. -- date?</p> <p>10 That there's a date on certain products that</p> <p>11 it's best --</p> <p>12 A. Expiration, whatever you want to call it.</p> <p>13 Q. Right. You should purchase it before that</p> <p>14 date ideally?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you typically look at the -- what I</p> <p>17 now define as the best buy date on products that have</p> <p>18 such a date --</p> <p>19 A. Yes.</p> <p>20 Q. -- such as milk or half and half --</p> <p>21 A. Yes.</p> <p>22 Q. -- or bread?</p> <p>23 A. Yes.</p> <p>24 Q. Do the donuts -- did the fresh baked donuts at</p> <p>25 Safeway have a best by date on them?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes.</p> <p>2 Q. Why do you do that?</p> <p>3 A. Because it's fresher, softer.</p> <p>4 Q. Taste -- tastes better?</p> <p>5 A. Yeah.</p> <p>6 Q. When -- have you ever baked -- bought day old</p> <p>7 donuts --</p> <p>8 A. No.</p> <p>9 Q. -- at a bakery?</p> <p>10 A. No.</p> <p>11 Q. Did you read the label on the chocolate waxy</p> <p>12 donuts?</p> <p>13 A. No.</p> <p>14 Q. Any part of it?</p> <p>15 A. No, other than what's on the front, again.</p> <p>16 Sorry.</p> <p>17 Q. What was on the front of the choc- --</p> <p>18 chocolate waxy donuts?</p> <p>19 A. I don't know. Probably told me how many were</p> <p>20 in it or it could have had the expiration date on it.</p> <p>21 Q. Do you know, as you sit here today, what was</p> <p>22 on the label?</p> <p>23 A. No.</p> <p>24 Q. I see that your lawyer brought a box of</p> <p>25 Softees with you. Without looking at that box, do you</p>
<p style="text-align: right;">Page 71</p> <p>1 A. No.</p> <p>2 Q. Do you know why that is?</p> <p>3 A. I would --</p> <p>4 MR. GORE: Objection. Calls for speculation.</p> <p>5 MR. GOODMAN: I'm asking if she knows.</p> <p>6 MR. GORE: You can answer.</p> <p>7 THE WITNESS: Okay. I would just assume it's</p> <p>8 that they are fresh -- they are put out fresh every</p> <p>9 day.</p> <p>10 BY MR. GOODMAN:</p> <p>11 Q. What about at your Pacific Grove bakery, do</p> <p>12 the -- does the bread that you buy there have a best by</p> <p>13 date?</p> <p>14 A. No.</p> <p>15 Q. Do you know why?</p> <p>16 A. Because it's put out fresh every day and</p> <p>17 they're usually sold out by noon.</p> <p>18 Q. Do the baguettes that you buy at Safeway have</p> <p>19 a best by date on them?</p> <p>20 A. Same thing, no. I think they just are put out</p> <p>21 every day. They're sometimes still warm when you touch</p> <p>22 them.</p> <p>23 Q. Is it -- do you usually eat baguettes or the</p> <p>24 French bread that you buy at Safeway within a day or</p> <p>25 two of buying it?</p>	<p style="text-align: right;">Page 73</p> <p>1 -- do you recall, as you sit here today, what was on</p> <p>2 the front of the Softees box that you looked at when</p> <p>3 you purchased it?</p> <p>4 A. The fresh -- baked fresh daily sticker. It</p> <p>5 looks like a sticker. I don't know if it's really a</p> <p>6 sticker, but --</p> <p>7 Q. Anything else --</p> <p>8 A. -- that's primarily -- other than Entenmann's,</p> <p>9 no.</p> <p>10 Q. How many Softees donuts have you bought in</p> <p>11 your lifetime? How many boxes?</p> <p>12 A. Could not guess. Obviously none since -- none</p> <p>13 in the last couple of years. But when the kids were</p> <p>14 younger, I don't know. Maybe one a month, but I don't</p> <p>15 know for how many years.</p> <p>16 Q. Do you know how many of the Entenmann's</p> <p>17 Softees products that you bought had a "fresh baked</p> <p>18 daily" sticker on it?</p> <p>19 A. Entenmann's Softees products, so meaning just</p> <p>20 the donuts or other things? Like...</p> <p>21 Q. Do you know whether there are any Entenmann's</p> <p>22 Softees products that you bought other than the donuts?</p> <p>23 A. I don't know. And this is -- the Softees</p> <p>24 donuts is the only one I noticed the sticker on.</p> <p>25 Q. So my question is, of the Softees boxes that</p>

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<p>1 you've bought --</p> <p>2 A. Mm-hmm.</p> <p>3 Q. -- in your lifetime, how many had the sticker</p> <p>4 on it?</p> <p>5 A. I have no idea.</p> <p>6 Q. Do you recall the first time that you noticed</p> <p>7 the sticker that you're talking about?</p> <p>8 A. No.</p> <p>9 Q. As you sit here today, when is the first time</p> <p>10 that you can recall seeing a sticker on a box of</p> <p>11 Entenmann's Softees that said "fresh baked daily"?</p> <p>12 A. I don't know. I cannot recall.</p> <p>13 Q. I'm just asking the first time that you can</p> <p>14 recall.</p> <p>15 A. Right. I know. I really don't know. If it's</p> <p>16 not related to the birth of a child, I can't -- I have</p> <p>17 no frame of reference.</p> <p>18 Q. Do you recall ever seeing the sticker that</p> <p>19 you're talking about on a box of Entenmann's Softees</p> <p>20 while you were buying the product?</p> <p>21 A. Yes.</p> <p>22 Q. When do you recall seeing that?</p> <p>23 A. I don't know a date, if that's what you're</p> <p>24 asking. I mean --</p> <p>25 Q. Give me a year.</p>	<p>1 The blueberry mini muffins, what brand were</p> <p>2 those?</p> <p>3 A. I think they were Entenmann's.</p> <p>4 Q. Were they also in a box?</p> <p>5 A. I think so. But I think they're individually</p> <p>6 wrapped in the box.</p> <p>7 Q. Do you know what --</p> <p>8 A. So it's not a clear box.</p> <p>9 Q. Wait. The Softees box is a clear --</p> <p>10 A. Right.</p> <p>11 Q. -- at least some part of it is --</p> <p>12 THE COURT REPORTER: I'm sorry. One person at</p> <p>13 a time, please.</p> <p>14 BY MR. GOODMAN:</p> <p>15 Q. Yeah.</p> <p>16 A. Sorry.</p> <p>17 Q. Part of it is a transparent package, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know where the -- whether the blueberry</p> <p>20 mini muffins had a label on them?</p> <p>21 A. They must have. So I would say yes.</p> <p>22 Q. Do you recall that label as you sit here</p> <p>23 today?</p> <p>24 A. No.</p> <p>25 Q. Do you recall what the ingredients of the</p>
Page 75	Page 77
<p>1 A. I -- I mean obviously, in 2012. But how much</p> <p>2 before that, I have no idea.</p> <p>3 Q. Do you recall seeing such a sticker on a box</p> <p>4 of Entenmann's Softees before 2012?</p> <p>5 A. I can't say.</p> <p>6 Q. Ma'am, I'm just asking whether you know, as</p> <p>7 you sit here today. Do you recall, as you sit here</p> <p>8 today, seeing such a sticker on a box of Entenmann's?</p> <p>9 A. No.</p> <p>10 Q. Okay. How many of the chocolate waxy donuts</p> <p>11 have you bought?</p> <p>12 A. As little as possible. Less frequently than</p> <p>13 the Softees, so maybe, say, every other month.</p> <p>14 Q. What do you mean "as little as possible"?</p> <p>15 A. They're waxy. I think they're gross.</p> <p>16 Q. Your kids liked them?</p> <p>17 A. Yeah, and sometimes they'd want to take them</p> <p>18 to, you know, school or whatever and share.</p> <p>19 Q. So even though you thought they were gross,</p> <p>20 you bought them because your kids wanted them?</p> <p>21 A. Yes.</p> <p>22 Q. As moms are wont to do.</p> <p>23 A. You've done that, right?</p> <p>24 Q. I'm not going to say that. My wife might read</p> <p>25 this someday.</p>	<p>1 blueberry mini muffins were?</p> <p>2 A. No.</p> <p>3 Q. Do you recall whether that -- the blueberry</p> <p>4 mini muffins had any kind of a sticker on it like the</p> <p>5 Softees?</p> <p>6 A. No.</p> <p>7 Q. Do you know where the blueberry mini muffins</p> <p>8 were baked?</p> <p>9 A. No.</p> <p>10 Q. Do you know where the Softees were baked?</p> <p>11 A. No.</p> <p>12 Q. Do you know when the blueberry mini muffins</p> <p>13 were baked?</p> <p>14 A. No.</p> <p>15 Q. Do you know when the chocolate waxy donuts</p> <p>16 were baked --</p> <p>17 A. No.</p> <p>18 Q. Do you know when the Softees were baked?</p> <p>19 A. No. I assume they were baked daily.</p> <p>20 Q. What does that mean to you, "daily"?</p> <p>21 A. It means -- you know, what it means to me is</p> <p>22 that a truck pulls up to the store and replaces the</p> <p>23 donuts every day.</p> <p>24 Q. Replaces the donuts?</p> <p>25 A. Yes, puts fresh donuts out. Kind of like</p>

<p style="text-align: right;">Page 78</p> <p>1 going to the bakery.</p> <p>2 Q. So it's your understanding that a truck came</p> <p>3 every day and pulled every box of donuts off the shelf</p> <p>4 and replaced it with entirely new boxes of donuts?</p> <p>5 A. That's my impression, yes.</p> <p>6 Q. How did you have that impression?</p> <p>7 A. Because it said "baked fresh daily."</p> <p>8 Q. You don't understand that to mean that they're</p> <p>9 baked every day?</p> <p>10 A. I didn't think of it that way.</p> <p>11 Q. So it was your understanding that the Softees</p> <p>12 were baked in the same way that the Safeway bakery</p> <p>13 donuts were baked?</p> <p>14 A. Yes.</p> <p>15 Q. Then why did you buy the Safeway bakery donuts</p> <p>16 instead of the Softees?</p> <p>17 A. Because sometimes I only wanted two donuts or</p> <p>18 one.</p> <p>19 Q. Why did the Softees have a best by date on</p> <p>20 them, to your understanding?</p> <p>21 A. That's a good question. I thought about that.</p> <p>22 I know that a lot of the bakeries have -- what do they</p> <p>23 call them -- like outlet stores. And I guess I just</p> <p>24 assumed that that's where they went.</p> <p>25 Q. Have you ever seen an Entenmann's outlet</p>	<p style="text-align: right;">Page 80</p> <p>1 a sealed box?</p> <p>2 A. So people won't open them, I assume.</p> <p>3 Q. Are the donuts that you buy at Safeway in the</p> <p>4 fresh bakery in a sealed box?</p> <p>5 A. No. They're behind Plexiglass.</p> <p>6 Q. Is the bread that you buy at the Pacific Grove</p> <p>7 bakery in a sealed box?</p> <p>8 A. It's behind glass. So no, it's not in a box.</p> <p>9 Q. Have you ever seen anybody take boxes of</p> <p>10 Softees off of shelves and replace them with new boxes?</p> <p>11 A. No.</p> <p>12 Q. When you buy Entenmann's Softees -- or when</p> <p>13 you bought Entenmann's Softees at Safeway in the past,</p> <p>14 were there more than one box of Softees on the shelves?</p> <p>15 A. I would assume.</p> <p>16 Q. Do you know --</p> <p>17 A. I don't recall ever buying the last box. How</p> <p>18 about if I...</p> <p>19 Q. Do you know, as you sit here today, how many</p> <p>20 boxes of Softees were on the shelf during the time that</p> <p>21 you were buying them?</p> <p>22 A. No.</p> <p>23 Q. Was it more than ten?</p> <p>24 A. No idea. Honest, no idea.</p> <p>25 Q. I believe you're being honest. You're under</p>
<p style="text-align: right;">Page 79</p> <p>1 store?</p> <p>2 A. I don't think so. I remember -- yeah, I don't</p> <p>3 know.</p> <p>4 Q. Has anybody ever told you there was an</p> <p>5 Entenmann's outlet store?</p> <p>6 A. No.</p> <p>7 Q. Have you ever read anything telling you that</p> <p>8 there was an Entenmann's outlet store?</p> <p>9 A. No. This knowledge comes from -- I think it</p> <p>10 was Oroweat that had one. And I think it was Oroweat.</p> <p>11 I don't know which one it was. But there was one</p> <p>12 somewhere somebody told me about -- I don't know who --</p> <p>13 in the south bay. South, south -- like, south of here.</p> <p>14 Q. Have you ever been to an Oroweat outlet store?</p> <p>15 A. I went to this one. And again, I can't</p> <p>16 remember if it was Oroweat. But I did go to one. I</p> <p>17 was literally driving by and saw it. I think it was in</p> <p>18 Watsonville, as I recall.</p> <p>19 Q. Ma'am, I'm asking you whether you've ever seen</p> <p>20 an Oroweat outlet store.</p> <p>21 A. I don't know if it was Oroweat or not. Sorry.</p> <p>22 Q. But you certainly haven't seen an Entenmann's</p> <p>23 outlet store, correct?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Do you know why the Entenmann's Softees are in</p>	<p style="text-align: right;">Page 81</p> <p>1 oath.</p> <p>2 A. Yeah.</p> <p>3 Q. I'm just trying to see if I can get any idea</p> <p>4 at all. Was it more than 20?</p> <p>5 A. I have no idea.</p> <p>6 Q. Have you ever eaten an Entenmann's Softee?</p> <p>7 A. Yes.</p> <p>8 Q. How many times?</p> <p>9 A. Maybe a half dozen.</p> <p>10 Q. Of all of the Entenmann's Softees that you've</p> <p>11 bought, have you ever returned any of them?</p> <p>12 A. I don't think so.</p> <p>13 Q. Throw them away?</p> <p>14 A. Yeah. I'm not likely to return. I would more</p> <p>15 just throw something away.</p> <p>16 Q. Do you recall throwing away any Entenmann's</p> <p>17 Softees?</p> <p>18 A. Yes.</p> <p>19 Q. Why did you throw them away?</p> <p>20 A. They got old or not as soft, let's put it that</p> <p>21 way.</p> <p>22 Q. Stale?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall how much time passed between the</p> <p>25 time that you bought the Entenmann's Softees and the</p>

<p style="text-align: right;">Page 82</p> <p>1 time that you threw them away during the -- on the</p> <p>2 occasions that you did throw them away?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether it was a matter of weeks?</p> <p>5 A. No. It would be a matter of days.</p> <p>6 Q. Do you know how many days?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether the blueberry mini muffins</p> <p>9 had a best by date on them?</p> <p>10 A. I would assume they would, because I believe</p> <p>11 they have to.</p> <p>12 Q. Why?</p> <p>13 A. Because they're -- because they're a baked</p> <p>14 product as opposed to buying a cracker, which I don't</p> <p>15 know if crackers have dates on them. Most things have</p> <p>16 dates on them.</p> <p>17 Q. Do you know whether the mini muffins had dates</p> <p>18 on them?</p> <p>19 A. I will say yes.</p> <p>20 Q. I'm not asking you to guess. I'm asking for</p> <p>21 your recollection as you sit here today.</p> <p>22 A. I can't say a hundred percent. But I think</p> <p>23 they do. That's all I can say.</p> <p>24 Q. When you bought baked items with a best by</p> <p>25 date on them, what were you looking for with respect to</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. That's fine.</p> <p>2 A. Okay.</p> <p>3 Q. I'm just trying to get your understanding.</p> <p>4 A. Yeah, yeah.</p> <p>5 Q. Whether -- I'm not asking whether that</p> <p>6 actually happened.</p> <p>7 A. Okay.</p> <p>8 Q. Do you recall the -- I don't know if I asked</p> <p>9 you this already, but if I did, I apologize. But since</p> <p>10 we're talking about it anyway, do you recall what the</p> <p>11 latest best by date for Entenmann's Softees was?</p> <p>12 A. No.</p> <p>13 Q. And I mean, just so it's clear, how many days</p> <p>14 from the date that you were shopping, the donuts were</p> <p>15 going to expire by the best by date?</p> <p>16 A. No, I don't.</p> <p>17 Q. Okay. What brand sliced French bread did you</p> <p>18 buy at Safeway?</p> <p>19 A. Sometimes Columbo and sometimes Francisco. I</p> <p>20 think that's what they are.</p> <p>21 Q. And do you know what the ingredients are in</p> <p>22 those?</p> <p>23 A. Other than flour, no.</p> <p>24 Q. And you're just assuming that they have flour</p> <p>25 because they're bread, right?</p>
<p style="text-align: right;">Page 83</p> <p>1 the best by date?</p> <p>2 A. The freshest.</p> <p>3 Q. How would you determine the freshest?</p> <p>4 A. The -- the furthest date out.</p> <p>5 Q. So if a product had -- you were looking at two</p> <p>6 boxes of Softees, for example, and one of them had a</p> <p>7 best by date that was 7 days out, and one of them had a</p> <p>8 best by date that was 14 days, you would buy the one</p> <p>9 with the 14 day best by date?</p> <p>10 A. That would be correct.</p> <p>11 Q. Because that would indicate to you that it was</p> <p>12 fresher than the one with the seven day out?</p> <p>13 A. That would be correct.</p> <p>14 Q. And what do you mean by fresher?</p> <p>15 A. Most recently made.</p> <p>16 Q. Most recently baked?</p> <p>17 A. Right.</p> <p>18 Q. So in our example, where you're buying Softees</p> <p>19 with the 14 day out as opposed to the 7 day out best by</p> <p>20 date, your understanding is that the ones that were</p> <p>21 14 days out were baked 7 days more recently than the 7</p> <p>22 day out; is that fair?</p> <p>23 A. That would be my understanding. However, I</p> <p>24 don't recall seeing something that would have 14 days</p> <p>25 out.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Yes, exactly.</p> <p>2 Q. All right.</p> <p>3 Do you know whether those labels included a</p> <p>4 "fresh baked daily" statement?</p> <p>5 A. No.</p> <p>6 Q. You don't recall?</p> <p>7 A. I don't think they did, but I don't recall</p> <p>8 specifically. Sorry.</p> <p>9 Q. Did you ever read the back of any of the</p> <p>10 labels on the sliced French bread that you bought?</p> <p>11 A. The back, no.</p> <p>12 Q. And as you sit here today, can you recall what</p> <p>13 the front of those labels said, other than Columbo --</p> <p>14 A. No.</p> <p>15 Q. -- sliced French bread, for example?</p> <p>16 A. No.</p> <p>17 Q. Okay. What whole wheat bread did you buy at</p> <p>18 Safeway?</p> <p>19 A. I've tried a variety. Besides the Sara Lee,</p> <p>20 there was a -- what's it called? There was one that</p> <p>21 had a lot of seeds in it, like Milton's, I think,</p> <p>22 something like that. And then -- I can't think. I'm</p> <p>23 sorry. It's been so long since I've done that.</p> <p>24 Q. You said other than the Sara Lee. What Sara</p> <p>25 Lee whole wheat bread did you buy?</p>

<p style="text-align: right;">Page 86</p> <p>1 A. A variety of different versions. At -- 2 most -- I gravitate -- gravitate towards anything that 3 says 100 percent whole wheat. That's what I was 4 looking for. I'm trying to picture labels, other ones. 5 Can't. 6 Q. Why did you gravitate toward things that 7 were -- said 100 percent whole wheat? 8 A. Health reasons. 9 Q. What health reasons? 10 A. Better for you than processed white. 11 Q. Processed white? 12 A. Bread. 13 Q. How did you understand that a hundred percent 14 whole wheat bread was better for you than white bread? 15 A. Just general -- like everybody knows that, 16 right? That -- okay. That's -- yeah. 17 Q. Did you read anything that told you that 18 100 percent whole wheat was better for you than white? 19 A. Man, you're taking me back. 20 I can think -- I cannot think of any specific 21 publication, other than what's on the outsides of the 22 packages, you know, let's say either high fiber or good 23 source of whole grain, or things like that, but no. 24 Q. Have you ever seen any white bread that 25 claimed to be high in fiber?</p>	<p style="text-align: right;">Page 88</p> <p>1 purchase of wheat bread at Safeway, during the time 2 that your children lived with you. What Sara Lee 3 100 percent whole wheat varieties did you purchase, 4 that you can recall sitting here today? 5 A. Whatever looked the best at the time. I can't 6 say to how many varieties any company offers or if they 7 change through the years. So I... 8 Q. Well, can you name one variety that you 9 purchased? 10 A. A hundred percent whole wheat. 11 Q. Any others that you can name today? And I'm 12 talking about the Sara Lee. 13 A. By specific name, no. 14 Q. When was the last Sara Lee 100 percent whole 15 wheat product that you bought? 16 A. Sometime towards the end of 2012. 17 Q. And in 2012, how many Sara Lee 100 percent 18 whole wheat products had you bought? 19 A. I don't know. 20 Q. Do you know how many Entenmann's Softees that 21 you bought in 2012? 22 A. I don't know. I... 23 Q. Do you know how many Sara Lee products you 24 bought in 2011? 25 A. No.</p>
<p style="text-align: right;">Page 87</p> <p>1 A. No. 2 Q. Did any of the sliced French bread that you 3 bought claim to be high in fiber? 4 A. Not that I recall. 5 Q. Was that whole wheat bread, the sliced French? 6 A. No. It was sliced French bread. 7 Q. Yes. 8 Was it whole wheat? 9 A. No. I've never heard of such a thing. 10 Q. Were the baguettes that you bought whole 11 wheat? 12 A. No. They were French. 13 MR. GOODMAN: We need to change tapes. 14 THE WITNESS: Oh, okay. 15 MR. GOODMAN: So five minutes. 16 THE VIDEOGRAPHER: This is the end of Disc 17 No. 1, Volume 1, in the deposition of Lynn Streit. The 18 time is 12:28 p.m., and we're off the record. 19 (Short recess taken.) 20 THE VIDEOGRAPHER: Back on the record. This 21 is the beginning of Disc No. 2, Volume 1, of the 22 deposition of Lynn Streit. The time is 12:36 p.m. on 23 February 11th, 2015. 24 BY MR. GOODMAN: 25 Q. Ms. Streit, we were talking about your</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Do you know how many you bought in 2010? 2 A. No. 3 Q. How about 2009? 4 A. No. 5 Q. Okay. 6 A. Sorry. 7 Q. That's okay. I'm just trying to get your 8 recollection. 9 Do you know how many Entenmann's Softees 10 products you bought in any of those years? 11 A. No. 12 Q. Do you recall the last Entenmann's Softees 13 product you bought, what year it was? 14 A. It might have been 2012, but it might have 15 been a little bit earlier than the end. 16 Q. Have you bought any whole wheat bread since 17 2012 -- since the end of 2012? 18 A. Any brand or just Sara Lee? 19 Q. Any brand. No, any brand. 20 A. Since the end of 2012? 21 Q. Yes, ma'am. 22 A. Yes. 23 Q. What brands have you bought of whole wheat 24 bread since the end of 2012? 25 A. The bakery brands.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. What do you mean the bakery brands?</p> <p>2 A. The independent, like at the bakery in Pacific</p> <p>3 Grove being my favorite.</p> <p>4 Q. What whole wheat breads have you bought at the</p> <p>5 bakery in Pacific Grove?</p> <p>6 A. The farmer's or shepherd's bread.</p> <p>7 Q. All right. We already talked about that. And</p> <p>8 you said you weren't sure if it was whole wheat.</p> <p>9 Are there any others?</p> <p>10 A. No.</p> <p>11 Q. What other bakeries have you bought whole</p> <p>12 wheat bread at?</p> <p>13 A. None.</p> <p>14 Q. Have you bought any wheat bread at any</p> <p>15 super- -- at Safeway since the end of 2012?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. Prior to 2000 -- the end of 2012, you said you</p> <p>18 bought Sara Lee and Milton's at Safeway, wheat bread?</p> <p>19 A. Yes.</p> <p>20 Q. Do you recall any other brands?</p> <p>21 A. I don't recall by name. There may have been,</p> <p>22 but I do not recall anything specific.</p> <p>23 Q. And the Milton's wheat bread, was that</p> <p>24 100 percent whole wheat bread to your knowledge?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. So it wouldn't have yeast in it?</p> <p>2 A. I have no idea. I think that's what makes</p> <p>3 bread rise.</p> <p>4 Q. I'm asking you if you have an understanding if</p> <p>5 100 percent whole wheat bread, as you understand that</p> <p>6 bread to be, would have yeast in it?</p> <p>7 A. It would have other ingredients as well. I'm</p> <p>8 not sure what the question is.</p> <p>9 Q. Okay. I'm asking you -- I started by asking</p> <p>10 you what your understanding of whole wheat bread was.</p> <p>11 And you said it would have wheat-based ingredients.</p> <p>12 A. Okay.</p> <p>13 Q. And I understood you to mean only wheat-based</p> <p>14 ingredients in it. Was that a correct understanding of</p> <p>15 what your answer was?</p> <p>16 A. No.</p> <p>17 Q. Okay. What did you mean by wheat-based</p> <p>18 ingredients?</p> <p>19 A. That it would be using only wheat flour.</p> <p>20 Q. What do you mean by "wheat flour"?</p> <p>21 A. It would not use any other types of flour,</p> <p>22 no -- what's the word? The white -- it would not have</p> <p>23 any other types of flour other than wheat.</p> <p>24 Q. And by flour, you mean grain flour?</p> <p>25 A. Yes, I assume that's the right word.</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. And why did you buy the Milton's bread?</p> <p>2 A. Because it had a lot of seeds on it. And I</p> <p>3 tasted it at somebody's house and it was good.</p> <p>4 Q. Other than flavor and the fact that it had the</p> <p>5 seeds on it, were there any reasons that you bought the</p> <p>6 Milton's whole wheat bread?</p> <p>7 A. No.</p> <p>8 Q. Why did you buy the Sara Lee whole wheat</p> <p>9 bread?</p> <p>10 A. It seemed to fit my needs at the time.</p> <p>11 Q. And at what time are we talking about?</p> <p>12 A. When the kids were at home.</p> <p>13 Q. Okay. What were your needs at that time?</p> <p>14 A. For a healthy whole wheat bread that could be</p> <p>15 used for sandwiches.</p> <p>16 Q. What does whole wheat bread mean to you?</p> <p>17 A. It means that it's made with all wheat flour,</p> <p>18 wheat ingredients.</p> <p>19 Q. Wheat ingredients?</p> <p>20 A. Wheat based.</p> <p>21 Q. So if it has milk in it, it's not whole wheat</p> <p>22 bread?</p> <p>23 A. No. From -- from a flour standpoint, I would</p> <p>24 guess. From a dry ingredient standpoint, it would be</p> <p>25 based in whole wheat.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. That's what you -- that's what you mean?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Is that a yes?</p> <p>4 A. Yes.</p> <p>5 Q. But you would expect it to have other types of</p> <p>6 ingredients --</p> <p>7 A. Yes.</p> <p>8 Q. -- to still be 100 percent whole wheat bread,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did the Milton's bread have whole wheat</p> <p>12 flour in it, to your knowledge?</p> <p>13 A. Yes, to my knowledge.</p> <p>14 Q. Do you know whether it had any other types of</p> <p>15 grain flour in it?</p> <p>16 A. I do not know. But it may have, because it</p> <p>17 had seeds and things. So it may have had another</p> <p>18 healthy grain flour, but I do not know.</p> <p>19 Q. What are "healthy grain flours" to your</p> <p>20 understanding?</p> <p>21 A. I don't know. I don't have an understanding.</p> <p>22 Sorry.</p> <p>23 Q. Well, you just used the term "healthy</p> <p>24 grain" --</p> <p>25 A. Yeah, yeah.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q. -- "flour." I'm not familiar with that term</p> <p>2 either, so I'm wondering what you meant by that.</p> <p>3 A. I actually don't know. I don't know that</p> <p>4 there is anything out there.</p> <p>5 Q. Do you know whether white bread is made with</p> <p>6 wheat flour?</p> <p>7 A. I don't believe it is, but I do not know.</p> <p>8 Q. Have you ever bought any sliced sandwich white</p> <p>9 bread?</p> <p>10 A. Yes.</p> <p>11 Q. Have you ever read the labels in any -- for</p> <p>12 any of that bread?</p> <p>13 A. No.</p> <p>14 Q. Do you know what brands of white sliced</p> <p>15 sandwich bread you've bought?</p> <p>16 A. No, whatever was softest when the kids were</p> <p>17 little.</p> <p>18 Q. Did you ever buy Wonder Bread for your kids?</p> <p>19 A. Probably.</p> <p>20 Q. Do you recall buying Wonder --</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Do you know what the ingredients in</p> <p>23 Wonder Bread are?</p> <p>24 THE COURT REPORTER: I'm sorry. Could you</p> <p>25 wait until the question is over?</p>	<p style="text-align: right;">Page 96</p> <p>1 at me, no. I did not analyze any labels.</p> <p>2 Q. Do you recall looking at the back of a Sara</p> <p>3 Lee 100 percent whole wheat bread label to see if</p> <p>4 anything jumped out at you?</p> <p>5 A. Just the numbers, so yeah, percentages, like</p> <p>6 we talked about earlier.</p> <p>7 Q. And do you recall doing that with respect to</p> <p>8 Sara Lee 100 percent whole wheat bread in particular?</p> <p>9 A. I'm sure I did. I...</p> <p>10 Q. What numbers did you look at?</p> <p>11 A. Again, any numbers that just were big on a</p> <p>12 percentage, what was -- if something jumped out at me.</p> <p>13 Q. Ms. Streit, I'm asking -- sorry. I'm asking</p> <p>14 you whether, as you sit here today, whether you recall</p> <p>15 looking at any particular numbers on the back of a Sara</p> <p>16 Lee 100 percent whole wheat bread product?</p> <p>17 A. No.</p> <p>18 Q. As you sit here today, can you recall any</p> <p>19 numbers on any Sara Lee 100 percent whole wheat bread</p> <p>20 product that, as you put it, jumped out at you?</p> <p>21 A. No.</p> <p>22 Q. As you sit here today, do you recall a</p> <p>23 specific instance where you looked at the back of a</p> <p>24 Sara Lee bread label?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 95</p> <p>1 THE WITNESS: I'm sorry.</p> <p>2 BY MR. GOODMAN:</p> <p>3 Q. It's just another tick, time, is all.</p> <p>4 A. Yeah.</p> <p>5 Q. You're doing a good job.</p> <p>6 A. Okay.</p> <p>7 Q. I just need you to wait a little bit longer.</p> <p>8 You ever buy a Roman Meal bread for your</p> <p>9 children?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Did you ever buy Safeway brand white bread?</p> <p>12 A. Yes.</p> <p>13 Q. And I mean sandwich bread.</p> <p>14 A. Yes.</p> <p>15 Q. Did you do that in 2009?</p> <p>16 A. I can't say for sure.</p> <p>17 Q. Do you know how much Milton's you've bought</p> <p>18 since 2009?</p> <p>19 A. No.</p> <p>20 Q. Do you know how much Sara Lee you've bought</p> <p>21 since 2009?</p> <p>22 A. No.</p> <p>23 Q. Do you ever read the back of a Sara Lee label,</p> <p>24 whole wheat bread label?</p> <p>25 A. Other than to just see if anything jumped out</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Do you know what information is contained on a</p> <p>2 Sara Lee 100 percent whole wheat bread label?</p> <p>3 A. Not down to a T, but I think all labels have,</p> <p>4 like, sodium content, sugar, and certain vitamin</p> <p>5 things. But I don't know specifically.</p> <p>6 Q. Did you buy Sara Lee 100 percent whole wheat</p> <p>7 bread because it was soft?</p> <p>8 A. Partially.</p> <p>9 Q. Did you buy Sara Lee 100 percent whole wheat</p> <p>10 bread because your children would eat it?</p> <p>11 A. Partially.</p> <p>12 Q. Did you buy Sara Lee 100 percent whole wheat</p> <p>13 bread because you could buy it at Safeway?</p> <p>14 A. Partially.</p> <p>15 Q. Did you ever buy Sara Lee 100 percent whole</p> <p>16 wheat bread because you had a coupon for it?</p> <p>17 A. I don't think so.</p> <p>18 Q. Did you buy Sara Lee 100 percent whole wheat</p> <p>19 bread because it was on special at Safeway?</p> <p>20 A. I can't recall specifically.</p> <p>21 Q. You're a member of the Safeway Club, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you were a member of the Safeway Club in</p> <p>24 2008 when your kids were living with you?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 98</p> <p>1 Q. Do you recall Sara Lee 100 percent whole wheat 2 bread ever being subject to a Safeway Club discount? 3 A. Not specifically. 4 Q. When you shopped at Safeway when your kids 5 were living with you -- there is banging going on out 6 there -- did you try to pick items that were subject to 7 a Safeway Club card discount when you were shopping? 8 A. If there was something comparable, if it 9 didn't -- if it was something I would have chosen 10 anyway. 11 Q. If it was something you would have chosen 12 anyway, you would buy it if it was subject to a club 13 card discount? 14 A. Yes. It would be a bonus. 15 Q. All right. So you said that you bought Sara 16 Lee 100 percent whole wheat bread because it was 17 100 percent whole wheat, because it was soft and 18 because your children liked it and because you could 19 buy it at Safeway. Were there any other reasons -- 20 A. Excuse me. 21 Q. -- that you bought Sara Lee 100 percent whole 22 wheat bread? 23 A. Because it said it was an excellent source of 24 whole grain. 25 Q. Why was that important to you?</p>	<p style="text-align: right;">Page 100</p> <p>1 let's -- 2 A. Okay. 3 Q. -- establish that you actually remember seeing 4 an article, I would ask for information about it. But 5 right now I want to find out where you got this 6 information from other than the fact that it's out 7 there. So we already established that you can't recall 8 having anybody tell you that. So now I'm wondering 9 whether you ever read it in an article. 10 A. I can't recall. 11 Q. Okay. Can you recall seeing any television 12 programming about something that's an excellent source 13 of whole grain being healthy for you? 14 A. Again, yes, but I can't say what program, news 15 programs, morning programs, yeah. 16 Q. Do you recall, as you sit here today, any 17 particular program conveying that information to you? 18 A. Specifically, no. 19 Q. Do you know what constitutes something being 20 an excellent source of whole grain? 21 A. No. 22 Q. Do you know what amount of whole grain in a 23 particular product you want to eat? 24 A. No. 25 Q. When you were shopping for Sara Lee</p>
<p style="text-align: right;">Page 99</p> <p>1 A. It's healthier. 2 Q. How do you know that? 3 A. I just do. 4 Q. Has anyone ever told you that something that's 5 an excellent source of whole grains is healthy for you? 6 A. It's all over TV, magazine covers, it's... 7 Q. Starting with has anybody told you that? 8 A. No. 9 Q. Have you read any articles that indicated that 10 something that's an excellent source of whole grains is 11 healthy for you? 12 A. Maybe sitting in a doctor's office, but I, 13 again, can't cite anything specifically. 14 Q. Yeah, I'm not interested in -- in something 15 that's theoretical. I want to know whether you recall 16 as you sit here today -- 17 A. No. 18 Q. -- whether you ever read any article that 19 indicated to you that something that was an excellent 20 source of whole grains was healthy for you. 21 A. Are you asking me to cite an article? I'm -- 22 I'm confused, because this is the kind of information 23 that's just out there. Unless you're living under a 24 rock, you know that whole grain is good for you. 25 Q. Sure. I'm not asking, at this point --</p>	<p style="text-align: right;">Page 101</p> <p>1 100 percent whole wheat bread, was there a particular 2 amount of whole grain that you were hoping the bread 3 had? 4 A. No. 5 Q. When you were shopping for whole wheat bread, 6 between 2008 and 2012, was there any particular amount 7 of or type of whole grain that you wanted to eat? 8 A. No. 9 Q. What other foods with whole grains in them did 10 you purchase for your children? 11 A. I think bread is the main source. I can't 12 think of anything specifically. 13 Q. Was Milton's an excellent source of whole 14 grains, to your knowledge? 15 A. Probably. That's my perception. How it -- 16 yeah, that's my perception. 17 Q. Okay. Why did you have that perception? 18 A. It -- it has, like I said, all the nuts and 19 seeds and it just looks healthy. 20 Q. I'm not asking whether it's healthy -- 21 A. And it tastes like it, too. 22 Q. Why does it taste like it's healthy? 23 A. I don't know. That's a good question. I 24 don't know. 25 Q. I'm not asking whether it -- it was healthy.</p>

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<p>1 I'm asking whether it was an excellent source of whole 2 grains in particular. 3 A. I'm not an expert, but I feel like it is. 4 Q. Because it had the nuts and seeds on it -- 5 A. Mm-hmm, correct. Oh. Yes. 6 Q. What nuts are whole grains, to your knowledge? 7 A. I have no idea. 8 Q. What seeds are whole grains, to your 9 knowledge? 10 A. I would assume any seeds, but, again, I don't 11 know. 12 Q. What do you understand a whole grain to be? 13 A. A nut that's made into a flour. That's -- and 14 I could be completely wrong, but that's my... 15 Q. And so you understand a whole grain to be a 16 nut? 17 A. No, that doesn't make sense. I'm thinking of 18 the seeds on the outside of the bread. No, because 19 wheat is not a nut. So I don't know. 20 Q. Do you have an understanding of what a whole 21 grain is, ma'am? 22 A. Nope. 23 Q. The bagels that you bought at Safeway, were 24 those Safeway bagels? 25 A. At Safeway? No, it was a variety. It would</p>	<p>1 A. Mm-hmm. 2 Q. Is that a yes? 3 A. Yes. 4 Q. What size -- what two sizes are you thinking 5 of? 6 A. Mini and regular. 7 Q. Okay. You're talking about the mini bagel and 8 the regular size bagel? 9 A. Correct. 10 Q. Do you recall what number of bagels in the 11 package you bought were or was? 12 A. I think the big ones came in sixes. And I 13 don't know how the little ones came because they were 14 in a different bag. 15 Q. Do you recall, as you sit here today, buying 16 mini bagels from Thomas' that came in a certain size? 17 A. You mean a certain size bag? 18 Q. Yes. 19 A. No, I do not know how many are in a bag. 20 Q. When is the last time you bought Thomas' 21 cinnamon raisin bagels? 22 A. I don't know, but it's been longer than the 23 plain ones because they got tired of the cinnamon 24 raisin. 25 Q. Do you recall when that was?</p>
Page 103	Page 105
<p>1 have been -- what are the two main -- there's Thomas' 2 and then what's the other one? Sara Lee is the big 3 one, Thomas'. Those are the two main ones. 4 Q. Sara Lee and Thomas'? 5 A. Mm-hmm. 6 THE COURT REPORTER: Is that yes? 7 BY MR. GOODMAN: 8 Q. Is that a yes? 9 A. Yes. Sorry. 10 Q. What Thomas' bagels did you buy at Safeway 11 when your kids were living with you? 12 A. They varied all the time, all different 13 varieties. Is that what you mean? 14 Q. Yes. 15 A. Yes. It could have been blueberry. It could 16 have been plain. It could have been cinnamon raisin, 17 whatever they were into. 18 Q. Do you recall, as you sit here today, buying 19 cinnamon raisin Thomas' bagels for your children? 20 A. Yes. 21 Q. Do you know what size you bought? 22 A. Probably both. 23 Q. I'm sorry? 24 A. Probably both. 25 Q. Both sizes?</p>	<p>1 A. Probably, like -- I really don't know. I 2 mean, I could guess 2007 for the cinnamon raisin, but I 3 really don't know. 4 Q. When was the last time you bought plain 5 Thomas' bagels? 6 A. Probably 2012. 7 Q. Did you buy the mini and the regular size of 8 those as well? 9 A. Yes. 10 Q. Do you recall how many came in the package for 11 the regular? 12 A. I believe six. 13 Q. Do you recall how many came in a package for 14 the mini? 15 A. No. 16 Q. How many Thomas' plain bagels did you buy in 17 2012? 18 A. I have no idea. 19 Q. How about in 2011? 20 A. No idea. 21 Q. Do you know -- 22 A. No. 23 Q. -- at any point in time for a year how many 24 bagels you bought? 25 A. No. It would--</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. Plain --</p> <p>2 A. -- fluctuate, and I don't know.</p> <p>3 Q. Did you ever read the labeling for the</p> <p>4 cinnamon raisin bagels?</p> <p>5 A. No.</p> <p>6 Q. Did you ever read the labeling for the plain</p> <p>7 bagels?</p> <p>8 A. No.</p> <p>9 MR. GOODMAN: We'll get to those, Pierce.</p> <p>10 MR. GORE: I'm sorry.</p> <p>11 BY MR. GOODMAN:</p> <p>12 Q. Did you ever buy any other varieties of</p> <p>13 Thomas' bagels?</p> <p>14 A. Other than plain, cinnamon raisin, blueberry,</p> <p>15 if they had blueberry. I can't remember. I think only</p> <p>16 Sara Lee had blueberry, but I'm not sure.</p> <p>17 Q. I'm asking about Thomas' --</p> <p>18 A. No.</p> <p>19 Q. So far you've given me cinnamon raisin and</p> <p>20 plain. Are there any other varieties of Thomas' that</p> <p>21 you bought?</p> <p>22 A. I don't think so.</p> <p>23 Q. Why did you buy Thomas' bagels?</p> <p>24 A. Whatever variety the kids wanted, you know,</p> <p>25 who made -- everybody makes different ones, so, I don't</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. What -- what word would you like me for --</p> <p>2 A. I don't know.</p> <p>3 Q. -- to be --</p> <p>4 THE COURT REPORTER: One person at a time,</p> <p>5 please.</p> <p>6 BY MR. GOODMAN:</p> <p>7 Q. What word would you like me to use for it to</p> <p>8 be the entire package?</p> <p>9 A. Just the front of the package versus the back</p> <p>10 of the package --</p> <p>11 Q. Okay.</p> <p>12 A. -- would be easier.</p> <p>13 Q. Did you ever read the front of any cinnamon</p> <p>14 raisin Thomas' bagels?</p> <p>15 A. Yes.</p> <p>16 Q. What did you read on the front of that</p> <p>17 package?</p> <p>18 A. Whatever was visible.</p> <p>19 Q. As you sit here today, tell me what you recall</p> <p>20 being visible on the front of the Thomas' cinnamon</p> <p>21 raisin bagels package.</p> <p>22 A. I cannot recall. I'm not sure what you're</p> <p>23 asking other than...</p> <p>24 Q. I'm asking for you to tell me what you can</p> <p>25 recall about the front of the Thomas' cinnamon raisin</p>
<p style="text-align: right;">Page 107</p> <p>1 know.</p> <p>2 Q. Okay. I understand there are a lot of brands</p> <p>3 out there, but I'm just asking you why you bought</p> <p>4 Thomas' bagels?</p> <p>5 A. So, for example, if Thomas' and Sara Lee</p> <p>6 offered the same thing, and one was on sale, then I</p> <p>7 would have picked the one that's on sale because we</p> <p>8 like them both -- or the kids liked them.</p> <p>9 Q. So your kids liked them and then it came down</p> <p>10 to price after that, is that accurate?</p> <p>11 A. Well, mostly. Again, it -- I have to say,</p> <p>12 underlying everything, if I have something that leads</p> <p>13 me to believe something is healthier than something</p> <p>14 else, then I would go for that.</p> <p>15 Q. Right. But you just said you didn't read the</p> <p>16 labels on those products, so...</p> <p>17 A. Again, not on the back.</p> <p>18 Q. I didn't ask about the back ma'am.</p> <p>19 A. Oh --</p> <p>20 Q. I asked if you had read the labels on those</p> <p>21 products.</p> <p>22 A. -- I'm sorry. Confusing.</p> <p>23 Q. What's confusing?</p> <p>24 A. When you stay "label," I tend to think of the</p> <p>25 back. That's what I think you're asking about.</p>	<p style="text-align: right;">Page 109</p> <p>1 bagel package.</p> <p>2 A. Just the description.</p> <p>3 Q. Of what?</p> <p>4 A. I don't even know what the quantity is, I</p> <p>5 can't tell you.</p> <p>6 Q. I'm just asking you to tell me anything that</p> <p>7 you can remember about the package.</p> <p>8 A. That it said Thomas' -- excuse me, Thomas' and</p> <p>9 the variety.</p> <p>10 Q. Cinnamon raisin?</p> <p>11 A. That's correct.</p> <p>12 Q. Anything else other than it was Thomas' and</p> <p>13 cinnamon raisin?</p> <p>14 A. No.</p> <p>15 Q. Okay. Why did you buy Thomas' cinnamon raisin</p> <p>16 as opposed to some other brand of bagels?</p> <p>17 A. The same reasons I said before.</p> <p>18 Q. That your kids liked them and the price?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did you ever buy bagels at a bagel</p> <p>21 shop, like a bagel bakery?</p> <p>22 A. If we're on the road, yes.</p> <p>23 Q. When was the last time you bought a bagel at a</p> <p>24 bagel shop?</p> <p>25 A. It's been at least three years, I'd say.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. Did you have a particular bagel shop that you</p> <p>2 would buy bagels from?</p> <p>3 A. My daughter preferred Noah's.</p> <p>4 Q. Did you buy Noah's bagels for your daughter?</p> <p>5 A. Yes.</p> <p>6 Q. Did you do that in 2009?</p> <p>7 A. Yes.</p> <p>8 Q. 2010?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know what ingredients are in a Noah's</p> <p>11 bagel?</p> <p>12 A. No.</p> <p>13 Q. Do you know what variety of Noah's bagel she</p> <p>14 bought or you bought for her?</p> <p>15 A. Different.</p> <p>16 Q. As you sit here today, can you recall any of</p> <p>17 the varieties that you bought?</p> <p>18 A. Plain, poppy seed. That's all I can recall.</p> <p>19 Q. Do you know whether Noah's bagels have any</p> <p>20 health benefits?</p> <p>21 A. I do not.</p> <p>22 Q. And you bought those because your daughter</p> <p>23 liked them, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did you buy any bagels from any other bagel</p>	<p style="text-align: right;">Page 112</p> <p>1 Sara Lee bagels, to your knowledge?</p> <p>2 A. Again, at least three years, probably.</p> <p>3 Q. Do you know how many blueberry Sara Lee bagels</p> <p>4 you bought in your career --</p> <p>5 A. No.</p> <p>6 Q. -- as a mom?</p> <p>7 When was the last time you bought a plain Sara</p> <p>8 Lee bagel?</p> <p>9 A. That would have been more recent, probably</p> <p>10 2012.</p> <p>11 Q. Do you know why you haven't bought any Sara</p> <p>12 Lee bagels since 2012?</p> <p>13 A. We have less need for bagels, and we bought</p> <p>14 them at Costco, you know, other bagels, the fresh ones.</p> <p>15 Q. Did you read any of -- strike that.</p> <p>16 Do you know how many plain bagels from Sara</p> <p>17 Lee you've bought while your kids were living with you?</p> <p>18 A. No. Probably more than cinnamon raisin.</p> <p>19 Q. But any idea how many you bought since 2009,</p> <p>20 for example?</p> <p>21 A. No.</p> <p>22 Q. Did you read any of the packaging for the</p> <p>23 plain bagels? I mean front or back.</p> <p>24 A. Excuse me.</p> <p>25 Just the front.</p>
<p style="text-align: right;">Page 111</p> <p>1 stores other than Noah's since 2009?</p> <p>2 A. Not that I can recall.</p> <p>3 Q. Do you recall anything about the front of the</p> <p>4 packaging on Thomas' plain bagels that you bought at</p> <p>5 Safeway?</p> <p>6 A. No.</p> <p>7 Q. And you never read the back of the packaging,</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you bought those bagels for the same</p> <p>11 reason you bought the cinnamon raisin -- raisin bagels,</p> <p>12 that your kids liked them and price, correct?</p> <p>13 A. Primarily, yes.</p> <p>14 Q. You said you bought Sara Lee bagels --</p> <p>15 A. Yes.</p> <p>16 Q. -- at Safeway?</p> <p>17 A. Yes.</p> <p>18 Q. Did you buy -- you mentioned a blueberry</p> <p>19 flavor; was that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Did you buy any other flavors of Sara Lee</p> <p>22 bagels?</p> <p>23 A. Yes, plain. It's -- and possibly a seeded</p> <p>24 one, but I'm not 100 percent on that.</p> <p>25 Q. When was the last time you bought blueberry</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Do you recall any parts of the packaging for</p> <p>2 the Sara Lee bagels as you sit here today?</p> <p>3 A. Not specifically, other than Sara Lee, what</p> <p>4 kind of bagel they are, what variety.</p> <p>5 Q. So for example, Sara Lee blueberry bagel,</p> <p>6 correct?</p> <p>7 A. Mm-hmm, and the ounces are on there, but...</p> <p>8 Q. Is that yes?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Sorry.</p> <p>12 Q. Do you recall looking at the ounces?</p> <p>13 A. No.</p> <p>14 Q. Do you recall looking at a best by date on any</p> <p>15 of these bagel products?</p> <p>16 A. Yes.</p> <p>17 Q. Did those best buy dates indicate to you that</p> <p>18 the bagels had been baked that day?</p> <p>19 A. On the bagels, no. It was just on the little</p> <p>20 tag, typically.</p> <p>21 Q. And, again, you looked to try to buy the</p> <p>22 bagels with the best by date that's furthest out from</p> <p>23 when -- the date that you're buying them, correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Because that indicates to you that those</p>

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<p>1 bagels were baked more recently than the other bagels</p> <p>2 with the shorter expiration date, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall looking at the seeded bagel</p> <p>5 label --</p> <p>6 A. No.</p> <p>7 Q. -- if you did, because we're not sure that you</p> <p>8 bought those actually?</p> <p>9 A. No.</p> <p>10 Q. And did you ever look at the back of any Sara</p> <p>11 Lee packaging for bagels?</p> <p>12 A. No.</p> <p>13 Q. What brownie mix did you buy at Safeway during</p> <p>14 the time your kids lived with you?</p> <p>15 A. Probably Betty Crocker, I think.</p> <p>16 Q. Do you know why you bought that brand?</p> <p>17 A. No.</p> <p>18 Q. Did you ever read the label on the Betty</p> <p>19 Crocker box?</p> <p>20 A. No.</p> <p>21 Q. Do you know what ingredients are in the Betty</p> <p>22 Crocker brownie mix?</p> <p>23 A. No.</p> <p>24 Q. Do you ever bake from scratch at home or did</p> <p>25 you when your kids were living there?</p>	<p>1 Q. Do you know -- and it's brands you're familiar</p> <p>2 with, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what's in Nestle cookie dough?</p> <p>5 A. No.</p> <p>6 Q. Do you know what's in Pillsbury cookie dough?</p> <p>7 A. No.</p> <p>8 Q. Do you recall reading any labels when you</p> <p>9 bought the Nestle cookie dough?</p> <p>10 A. No.</p> <p>11 Q. The popcorn that you bought at Safeway, was</p> <p>12 that pre-popped popcorn?</p> <p>13 A. No. It would be microwave.</p> <p>14 Q. Microwave in a bag?</p> <p>15 A. The pouch, yes.</p> <p>16 Q. Okay. Was that flavored?</p> <p>17 A. No.</p> <p>18 Q. Just --</p> <p>19 A. Well, it'd be kettle corn. Excuse me.</p> <p>20 Q. Kettle corn, do you remember what brand it</p> <p>21 was?</p> <p>22 A. No.</p> <p>23 Q. Do you know what the ingredients were in the</p> <p>24 kettle corn popcorn?</p> <p>25 A. No.</p>
Page 115	Page 117
<p>1 A. A little bit.</p> <p>2 Q. Since 2009, how much scratch baking did you do</p> <p>3 from 2009 to when your kids left?</p> <p>4 A. Maybe four times a year.</p> <p>5 Q. What did you bake during those four times a</p> <p>6 year?</p> <p>7 A. Pizza dough and cookies.</p> <p>8 Q. You made the dough yourself?</p> <p>9 A. Yes, in the maker.</p> <p>10 Q. You also bought cookie dough at Safeway?</p> <p>11 A. Yes.</p> <p>12 Q. You're not counting that as your scratch</p> <p>13 baking, though, right?</p> <p>14 A. No, I'm not.</p> <p>15 Q. What kind of cookie dough did you bake -- did</p> <p>16 you buy at Safeway?</p> <p>17 A. Both Pillsbury and Nestle.</p> <p>18 Q. Why did you buy those brands?</p> <p>19 A. They taste good.</p> <p>20 Q. Is there any other reason?</p> <p>21 A. No. Excuse me, unless one was on sale. And</p> <p>22 they're considered the same in my book, so...</p> <p>23 Q. Why do you consider them the same?</p> <p>24 A. They just both taste good, they're both</p> <p>25 chocolate chip cookies.</p>	<p>1 Q. Do you understand that kettle corn popcorn has</p> <p>2 sugar in it?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever buy any popcorn kernels -- you</p> <p>5 ever -- strike that.</p> <p>6 When your kids were living at home, did you</p> <p>7 have a popcorn maker?</p> <p>8 A. No.</p> <p>9 Q. You always got microwave popcorn?</p> <p>10 A. Yes.</p> <p>11 Q. Was it always somehow flavored?</p> <p>12 A. It would have been either kettle corn or</p> <p>13 butter, but primarily kettle corn, so yes.</p> <p>14 Q. And do you know what was in the buttered</p> <p>15 popcorn that you were buying?</p> <p>16 A. No.</p> <p>17 Q. Did you ever read any of the labels for that</p> <p>18 product?</p> <p>19 A. No.</p> <p>20 Q. What brand?</p> <p>21 A. I don't know.</p> <p>22 Q. What brand tortilla chips did you buy at</p> <p>23 Safeway when your kids were living with you?</p> <p>24 A. Mostly Mission.</p> <p>25 Q. Did you read the labels on those products --</p>

<p style="text-align: right;">Page 118</p> <p>1 A. No.</p> <p>2 Q. -- other than to know that they were Mission?</p> <p>3 A. No.</p> <p>4 Q. And you said you bought tortillas at Safeway.</p> <p>5 Were those Safeway brand tortillas or somebody else's?</p> <p>6 A. Probably Mission. I don't even know if</p> <p>7 Safeway has a brand.</p> <p>8 Q. Were those wheat tortillas?</p> <p>9 A. No.</p> <p>10 Q. Flour?</p> <p>11 A. Yes, or corn.</p> <p>12 Q. Corn. Did you buy corn tortillas at Safeway?</p> <p>13 A. Yes.</p> <p>14 Q. The percentage between flour and corn</p> <p>15 tortillas, what would you say with respect to what you</p> <p>16 bought?</p> <p>17 A. Probably 80 flour, 20 corn.</p> <p>18 Q. And when you bought corn tortillas, were those</p> <p>19 yellow corn or white corn?</p> <p>20 A. Both.</p> <p>21 Q. Roughly 50/50 between those two?</p> <p>22 A. Yes, yes.</p> <p>23 Q. Okay. Did you buy low fat tor- -- flour</p> <p>24 tortillas?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Not very often. They come in 12 packs. And I</p> <p>2 buy them a few times a year. So not very often.</p> <p>3 Q. Why did you buy the -- those three brands that</p> <p>4 you listed?</p> <p>5 A. That's what we liked.</p> <p>6 Q. Did you read any of the labeling on those --</p> <p>7 A. No.</p> <p>8 Q. -- 12 packs?</p> <p>9 A. No.</p> <p>10 Can I just say that some things you just don't</p> <p>11 want to read the labels on.</p> <p>12 Q. Fair. As long as it's responsive to a</p> <p>13 question, you can say whatever you want.</p> <p>14 A. Okay.</p> <p>15 Q. Why wouldn't you want to read the labels on</p> <p>16 certain things?</p> <p>17 A. Because some things you know aren't good for</p> <p>18 you.</p> <p>19 Q. And soda would be one of those things?</p> <p>20 A. Probably, yes.</p> <p>21 Q. What kind of lunch meat did you buy at</p> <p>22 Safeway?</p> <p>23 A. Primarily turkey.</p> <p>24 Q. Safeway brand?</p> <p>25 A. I don't know if Safeway has a brand, so no.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Did you buy high fiber flour tortillas?</p> <p>2 A. No.</p> <p>3 Q. Did you read any of the labeling on any of the</p> <p>4 tortillas that you bought?</p> <p>5 A. No.</p> <p>6 Q. You said you did buy soda but you don't buy it</p> <p>7 so much anymore.</p> <p>8 A. Yes.</p> <p>9 Q. Is that fair?</p> <p>10 A. Yes. I do not buy it at all.</p> <p>11 Q. When did you stop buying soda?</p> <p>12 A. Pardon?</p> <p>13 Q. When did you stop buying soda?</p> <p>14 A. About two years ago.</p> <p>15 Q. Why did you stop buying soda?</p> <p>16 A. Everybody quit drinking it.</p> <p>17 Q. Everybody in your family?</p> <p>18 A. Yes.</p> <p>19 Q. Good for them.</p> <p>20 A. Yes.</p> <p>21 Q. What soda did you buy before you stopped</p> <p>22 drinking it?</p> <p>23 A. Dr. Pepper, Diet Coke, Diet Pepsi.</p> <p>24 Q. How often would you buy soda during the time</p> <p>25 that your kids were living with you?</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. What do -- what brand turkey?</p> <p>2 A. I can't recall.</p> <p>3 Q. Was this presliced lunch meat that came in a</p> <p>4 package?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know what the ingredients were in that</p> <p>7 lunch meat?</p> <p>8 A. No.</p> <p>9 Q. Did you ever read the labels in the lunch</p> <p>10 meat?</p> <p>11 A. No.</p> <p>12 Q. Do you recall, as you sit here today, buying</p> <p>13 lunch meat at Safeway other than turkey when your kids</p> <p>14 were living with you?</p> <p>15 A. I probably bought ham once a year. I</p> <p>16 mean -- but primarily turkey, 99 percent of the time.</p> <p>17 Q. During the time that your kids lived with you,</p> <p>18 I asked you about the breakdown of how much money you</p> <p>19 spent at various stores --</p> <p>20 A. Mm-hmm.</p> <p>21 Q. -- after you were an empty nester. But during</p> <p>22 the time that your kids were living with you, what's</p> <p>23 the percentage breakdown of how much money you spent at</p> <p>24 each of the stores?</p> <p>25 Excuse me.</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Okay. The only thing that would have changed 2 slightly is that I think I get more at Trader Joe's now 3 versus I used to get more at Safeway. 4 Q. Okay. So how many times would you go shopping 5 at Safeway, when your kids were living with you, a 6 month? 7 A. Yeah, it would, again, vary between when they 8 were at their dad's and whatnot. But probably -- and, 9 you know, when they were little, I would be there every 10 week. And it just would taper down over the years. 11 Q. When did it -- well, let's -- let's focus on 12 the 2008/2009. How often did you shop at Safeway per 13 month during that time period? 14 A. Probably two or three times a month. 15 Q. And how much would you spend at Safeway in 16 those two or three times? 17 A. When they were living with me? Oh, gosh. 18 Probably over a hundred dollars, a little bit. 19 Q. What kind of food were you buying at Trader 20 Joe's when your kids were living with you? 21 A. A lot of the same things, and that's the 22 crackers, the juices -- pretty much -- 23 Q. Anything different than you've already given 24 me? 25 A. Mm-mmm.</p>	<p style="text-align: right;">Page 124</p> <p>1 Target when your kids were living with you? 2 A. Milk -- it was more of a factor of convenience 3 if I happened to be at Target and I needed to pick up a 4 milk or a can of beans. Nothing fresh. 5 Q. No baked goods? 6 A. No. 7 Q. Okay. No vegetables? 8 A. No. 9 Q. I don't even know if they sell vegetables. 10 A. Yeah. 11 Q. You said you did very little shopping at Lucky 12 when your kids lived with you. Do you recall buying 13 any baked goods at Lucky? 14 A. No. 15 Q. What about Nob Hill, did you buy any baked 16 goods at Nob Hill Foods? 17 A. Probably the same variety that I would've 18 bought at Safeway, I just didn't go there as often. 19 Q. Did you buy any other types of baked goods at 20 Nob Hill? 21 A. No. 22 Q. Did you buy any whole wheat bread at Nob Hill 23 that wasn't Sara Lee or Milton's? 24 A. No. 25 Q. As you sit here today, can you recall buying</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Is that a no? 2 A. So was I buying something in addition when the 3 kids were living with me -- 4 Q. Right. 5 A. -- from Trader Joe's? 6 Q. That way we can shortcut it. 7 A. Yeah, I can't think of anything. 8 Q. Okay. 9 A. Oh, rice. The only other thing -- the rice in 10 the pouches, the frozen rice. 11 Q. Frozen rice? 12 A. Mm-hmm. 13 Q. Was it flavored rice? 14 A. No. 15 Q. Just -- 16 A. White rice. 17 Q. White rice, precooked? 18 A. You microwave it in the microwave for three 19 minutes. 20 Q. Did you read the labeling on those products? 21 A. No. 22 Q. Can you think of anything else you bought at 23 Trader Joe's then, that you don't buy now? 24 A. No. 25 Q. Okay. What kind of food were you buying at</p>	<p style="text-align: right;">Page 125</p> <p>1 any wheat bread at any time other than Sara Lee or 2 Milton's that you -- that was labeled 100 percent whole 3 wheat? 4 A. Not by brand. 5 Q. But you believe that you did buy some other 6 brand, but you just can't recall what it is. Is that 7 accurate? 8 A. I would say that there's always a one-off, so 9 at some point I probably did. 10 Sorry. 11 Q. You need some more water? Is that -- 12 A. No. I'm just trying to get rid of the frog. 13 Q. Okay. Do you know how much money you spent at 14 Trader Joe's during the time that your kids were with 15 you from 2009 to 2012, 2008, something in that range? 16 A. I really don't. I'd love to just get out a 17 spreadsheet and try and figure it out. But, again, a 18 little less than Safeway during that time frame when 19 the kids were with me. 20 Q. What about Nob Hill, do you know how much you 21 spent there? 22 A. Less than Trader Joe's. 23 Q. So Costco is still the primary, Safeway next, 24 Trader Joe's, then Nob -- 25 A. Yes.</p>

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<p>1 Q. -- Hill and then Target/Cos- -- Lucky.</p> <p>2 A. Yes.</p> <p>3 Q. Is that fair?</p> <p>4 A. Yes.</p> <p>5 Q. And, again, you don't have any estimate for me</p> <p>6 with respect to how much you spent at all those stores</p> <p>7 on any baked products, correct?</p> <p>8 A. No.</p> <p>9 Q. That's not correct?</p> <p>10 A. I mean -- oh, sorry. No, I don't have an</p> <p>11 estimate.</p> <p>12 Q. Thank you.</p> <p>13 Did you ever return any of the Sara Lee</p> <p>14 products that you purchased?</p> <p>15 A. I don't think so.</p> <p>16 Q. Did you ever return any of the Thomas'</p> <p>17 products that you purchased?</p> <p>18 A. I don't think so.</p> <p>19 Q. Your family ate those products after you</p> <p>20 purchased them?</p> <p>21 A. Until I threw away what was left, yes.</p> <p>22 Q. And you threw it away because it had become</p> <p>23 stale --</p> <p>24 A. Yes.</p> <p>25 Q. -- or moldy or was otherwise --</p>	<p>1 A. That's correct.</p> <p>2 Q. Have your kids ever told you that they did not</p> <p>3 want to eat any Bimbo Bakeries products?</p> <p>4 A. The only -- yes, if the donuts weren't soft.</p> <p>5 Q. Other than the hard donuts when they got</p> <p>6 stale, were there any occasions where your children</p> <p>7 told you that they did not want to eat any Bimbo</p> <p>8 Bakeries products?</p> <p>9 A. Same situation, anything that they deemed to</p> <p>10 be stale, yes.</p> <p>11 Q. So let's try it this way. Other than stale,</p> <p>12 the products that you had bought that had become stale,</p> <p>13 did your children ever tell you that they did not want</p> <p>14 to eat any Bimbo Bakeries products?</p> <p>15 A. Not that I can think of.</p> <p>16 Q. When your kids come home now for meals with</p> <p>17 you, do you buy them any Bimbo Bakeries products?</p> <p>18 A. No.</p> <p>19 Q. Why not?</p> <p>20 A. For the reasons that we have discussed here.</p> <p>21 Q. I'm sorry?</p> <p>22 A. Because of the labeling.</p> <p>23 Q. Because of the lawsuit?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay.</p>
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<p>1 A. Exactly.</p> <p>2 Q. -- unusable?</p> <p>3 A. Yes.</p> <p>4 Q. You've never attempted to resell any Sara Lee</p> <p>5 product, correct?</p> <p>6 A. No -- I mean, yes, that's correct.</p> <p>7 Q. And you've never attempted to resell any</p> <p>8 Thomas' product, correct?</p> <p>9 A. That's correct.</p> <p>10 Q. You've never resold any food products,</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Have you ever had any food products seized by</p> <p>14 any agency?</p> <p>15 A. No. I don't even know what that means.</p> <p>16 Q. Have you ever distributed any food products?</p> <p>17 A. You mean -- no. I mean, other than having my</p> <p>18 yogurt shop in the early '80s --</p> <p>19 Q. Fair enough.</p> <p>20 A. -- that's the only food experience I've had.</p> <p>21 Q. You've never distributed any bakery products,</p> <p>22 correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And you certainly haven't distributed any</p> <p>25 Bimbo Bakeries products, correct?</p>	<p>1 A. I want to be able to trust what I'm reading.</p> <p>2 Q. When your kids come home to have meals with</p> <p>3 you now, do you buy any donuts for them?</p> <p>4 A. Sometimes, maybe Krispy Kreme.</p> <p>5 Q. Any others?</p> <p>6 A. No, not -- not lately.</p> <p>7 Q. Do you know what's in a Krispy Kreme donut?</p> <p>8 A. No.</p> <p>9 Q. Do the Krispy Kreme donuts that you buy have</p> <p>10 an expiration date?</p> <p>11 A. No.</p> <p>12 Q. When your children come home to have meals</p> <p>13 with you, do you make them sandwiches with sliced</p> <p>14 bread?</p> <p>15 A. They make their own, yes.</p> <p>16 Q. So bread that you've bought?</p> <p>17 A. Yes.</p> <p>18 Q. What bread have you bought, that they've made</p> <p>19 sandwiches from, when they've come home to visit you?</p> <p>20 A. Typically the bakery bread.</p> <p>21 Q. Anything other than the bakery bread?</p> <p>22 A. Excuse me.</p> <p>23 The -- sometimes the -- the French bread I</p> <p>24 mentioned before, the sliced French bread.</p> <p>25 Q. The Columbo --</p>

<p style="text-align: right;">Page 130</p> <p>1 A. Mm-hmm.</p> <p>2 Q. -- sliced French bread; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Anything other than the bakery bread and the</p> <p>5 sliced French bread?</p> <p>6 A. No.</p> <p>7 Q. Do you know whether your children have ever</p> <p>8 purchased any Bimbo Bakeries products?</p> <p>9 A. I have no idea.</p> <p>10 Q. Do you know anyone who has purchased any Bimbo</p> <p>11 Bakeries products other than yourself?</p> <p>12 A. I'm not sure, like -- you mean, people I know?</p> <p>13 Q. Yes.</p> <p>14 A. I would assume. I can't say, oh, my mom buys</p> <p>15 this or my brother buys that. I don't know.</p> <p>16 Q. All right. So do you know -- and, again, I'm</p> <p>17 not asking you to assume --</p> <p>18 A. Okay.</p> <p>19 Q. -- anything. I'm looking for your knowledge.</p> <p>20 Do you -- as you sit here today, are you aware</p> <p>21 of any -- the identity of any individual who has bought</p> <p>22 any Bimbo Bakeries products other than you?</p> <p>23 A. No. It would all be assumptions.</p> <p>24 Q. Thank you.</p> <p>25 In buying your food products over the past ten</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. GOODMAN: Why don't we take our lunch</p> <p>2 break. You guys can eat.</p> <p>3 MR. GORE: Great.</p> <p>4 THE VIDEOGRAPHER: Going off the record. The</p> <p>5 time is 1:31 p.m.</p> <p>6 (Lunch recess taken.)</p> <p>7 THE VIDEOGRAPHER: Back on the record. The</p> <p>8 time is 2:02 p.m.</p> <p>9 BY MR. GOODMAN:</p> <p>10 Q. Ms. Streit, we're back on the record after our</p> <p>11 lunch break. You realize you're still under oath?</p> <p>12 A. Yes.</p> <p>13 Q. Did you do anything to prepare for your</p> <p>14 deposition today?</p> <p>15 A. Yes.</p> <p>16 Q. What did you do?</p> <p>17 A. I met with Pierce.</p> <p>18 You mean recently? Just a few days ago.</p> <p>19 Q. How many times have you met with Mr. Gore to</p> <p>20 prepare for your deposition?</p> <p>21 A. We met when I -- on January 8th, originally --</p> <p>22 well, that wasn't to prepare for the deposition.</p> <p>23 Q. Just to prepare for the deposition.</p> <p>24 A. Oh, just the other day.</p> <p>25 Q. What other days did you meet with Mr. Gore?</p>
<p style="text-align: right;">Page 131</p> <p>1 years, would it matter to you, in buying those</p> <p>2 products, that you cannot resell them?</p> <p>3 A. No, I would not resell a food product.</p> <p>4 Q. Right. So that's not part of your purchase</p> <p>5 decision, correct?</p> <p>6 A. That's correct.</p> <p>7 (Interruption in the room, 1:29 p.m.)</p> <p>8 MR. GORE: Oh, thanks, Carol.</p> <p>9 Sorry.</p> <p>10 BY MR. GOODMAN:</p> <p>11 Q. What was the last Bimbo Bakeries product that</p> <p>12 you bought?</p> <p>13 A. I would say it would have either been whole</p> <p>14 wheat bread or plain bagels, but I don't know. Well, I</p> <p>15 guess that's Sara Lee. Sorry.</p> <p>16 Q. Do you --</p> <p>17 A. Oh, that's the same.</p> <p>18 Q. Do you recall which product -- what was the</p> <p>19 last product you bought --</p> <p>20 A. No --</p> <p>21 Q. -- that was from Bimbo Bakeries?</p> <p>22 A. No.</p> <p>23 Q. And you're sure that would have been at the</p> <p>24 end of 2012, correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 133</p> <p>1 Today is Wednesday.</p> <p>2 A. I know. It must have been Monday.</p> <p>3 Q. Did you meet here in this office?</p> <p>4 A. Yes.</p> <p>5 Q. How long did that meeting take place?</p> <p>6 A. Maybe 45 minutes.</p> <p>7 MR. GORE: Do you need to turn that off?</p> <p>8 THE WITNESS: I -- no. Yeah, I thought I did.</p> <p>9 How do you make it not vibrate?</p> <p>10 BY MR. GOODMAN:</p> <p>11 Q. During that 45-minute meeting on Monday, did</p> <p>12 you review any documents?</p> <p>13 A. Yes.</p> <p>14 Q. Did any of those documents refresh any</p> <p>15 recollection that you had?</p> <p>16 A. They were as my contract -- like my duties as</p> <p>17 a class rep. Is that what you mean?</p> <p>18 Q. I'm just wondering whether any of the</p> <p>19 documents that you reviewed to prepare for your</p> <p>20 deposition refreshed any recollections that you had,</p> <p>21 make -- make you remember anything.</p> <p>22 A. No.</p> <p>23 Q. How many documents did you review?</p> <p>24 A. Just that and my interrogatory. Did I say it</p> <p>25 right?</p>

<p style="text-align: right;">Page 134</p> <p>1 Q. You did.</p> <p>2 Your interrogatory responses that you gave in</p> <p>3 this case?</p> <p>4 A. Yes.</p> <p>5 Q. Did you review any other documents?</p> <p>6 A. No.</p> <p>7 Q. Did you meet with Mr. Gore since Monday to</p> <p>8 prepare for your deposition deposition?</p> <p>9 A. No.</p> <p>10 Q. Did you meet with him this morning before the</p> <p>11 deposition to prepare?</p> <p>12 A. No. I think I got here when you were here.</p> <p>13 Q. Okay.</p> <p>14 Other than meeting with Mr. Gore, did you do</p> <p>15 anything to prepare for your deposition today?</p> <p>16 A. No.</p> <p>17 Q. Have you talked to anybody other than your</p> <p>18 attorneys about the case?</p> <p>19 A. No.</p> <p>20 Q. Have you ever read the FDA's October 2009</p> <p>21 guidance for industry letter?</p> <p>22 A. No.</p> <p>23 Q. Have you ever read the March 2010 open letter</p> <p>24 to industry?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 136</p> <p>1 ingredient?</p> <p>2 A. I would assume.</p> <p>3 Q. Have you ever bought any products that had the</p> <p>4 American Heart Association heart checkmark on them?</p> <p>5 A. Probably.</p> <p>6 Q. As you sit here today, Ms. Streit, do you</p> <p>7 recall purchasing any products with the American Heart</p> <p>8 Association heart checkmark on it?</p> <p>9 A. Not specifically.</p> <p>10 Q. Do you know whether any Bimbo Bakeries</p> <p>11 products have the AHA heart checkmark on them?</p> <p>12 A. Excuse me.</p> <p>13 I don't know.</p> <p>14 Q. Have you ever sought out products with an AHA</p> <p>15 heart checkmark on them?</p> <p>16 A. No.</p> <p>17 Q. Do you know what it takes for a product to be</p> <p>18 labeled with an AHA heart checkmark?</p> <p>19 A. No.</p> <p>20 Q. Have you ever done any research into what the</p> <p>21 American Heart Association is?</p> <p>22 A. No.</p> <p>23 Q. Have you ever purchased a product with a heart</p> <p>24 checkmark on it over another product simply because it</p> <p>25 had the heart checkmark on it?</p>
<p style="text-align: right;">Page 135</p> <p>1 Q. Have you read any FDA publications?</p> <p>2 A. No.</p> <p>3 Q. Are you familiar with labeling requirements</p> <p>4 under federal law?</p> <p>5 A. No.</p> <p>6 Q. Are you familiar with labeling requirements in</p> <p>7 California law?</p> <p>8 A. No.</p> <p>9 Q. Are you familiar with the labeling</p> <p>10 requirements under any state's laws?</p> <p>11 A. No.</p> <p>12 Q. Do you know what a nutrient is?</p> <p>13 A. No.</p> <p>14 Q. Do you know what an ingredient is?</p> <p>15 A. Something in something.</p> <p>16 Q. Do you know how a nutrient is different than</p> <p>17 an ingredient, if it is?</p> <p>18 A. No.</p> <p>19 Q. Do you know what nutrients whole grains</p> <p>20 provide?</p> <p>21 A. No.</p> <p>22 Q. Do you know the -- do you know whether a whole</p> <p>23 grain is a nutrient?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know whether a whole grain is an</p>	<p style="text-align: right;">Page 137</p> <p>1 A. I don't know.</p> <p>2 Q. You don't recall doing that, as you sit here</p> <p>3 now?</p> <p>4 A. I do not recall.</p> <p>5 Q. In fact, you don't recall ever buying anything</p> <p>6 with a heart checkmark on it, right?</p> <p>7 A. I do not recall specifically.</p> <p>8 Q. Right. I mean, as you sit here today, do you</p> <p>9 know what the heart checkmark looks like?</p> <p>10 A. Yes.</p> <p>11 Q. What does it --</p> <p>12 A. I can --</p> <p>13 Q. -- look like?</p> <p>14 A. Sorry.</p> <p>15 Q. Sorry.</p> <p>16 A. I can visualize it. I think it's a heart with</p> <p>17 a check on it, but I can't say for sure.</p> <p>18 Q. Have you ever done any research into what it</p> <p>19 takes to get that heart checkmark?</p> <p>20 A. No.</p> <p>21 Q. Has anybody ever told you what it takes?</p> <p>22 A. No.</p> <p>23 Q. If a product had a heart checkmark on it,</p> <p>24 would you be more likely to buy it?</p> <p>25 A. I don't know.</p>

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<p>1 Q. Okay. Fair enough.</p> <p>2 Do you know whether products with a heart</p> <p>3 checkmark on them are more healthy than products</p> <p>4 without a heart checkmark?</p> <p>5 A. I would only assume. I do not know.</p> <p>6 Q. Does the bread that you buy at the Pacific</p> <p>7 Grove bakery have a heart checkmark on it?</p> <p>8 A. No.</p> <p>9 Q. Do you have any reason to believe that that</p> <p>10 bread is less healthy than some bread that might have a</p> <p>11 heart checkmark on?</p> <p>12 A. That that bread is less healthy?</p> <p>13 Q. Yes.</p> <p>14 A. No.</p> <p>15 Q. Other than the Entenmann's Softees that we</p> <p>16 talked about earlier today, have you ever bought any</p> <p>17 products that were labeled "baked fresh daily"?</p> <p>18 A. Hmm, not that I can recall specifically.</p> <p>19 Q. What does "delivered daily" mean to you?</p> <p>20 A. That the fresh batch is delivered daily to the</p> <p>21 store in the situation.</p> <p>22 Q. Delivered from where?</p> <p>23 A. The bakery.</p> <p>24 Q. Do you know where the Entenmann's bakery is --</p> <p>25 A. I --</p>	<p>1 Q. Does anybody in your family, including</p> <p>2 yourself, have a soy allergy?</p> <p>3 A. No, not that I know of.</p> <p>4 Q. What products have you bought, to your</p> <p>5 knowledge, with soy in them?</p> <p>6 A. When I had the yogurt shop, there was a new</p> <p>7 product out called Tofutti, and it was made from soy.</p> <p>8 Q. Other than Tofutti, have you ever purchased</p> <p>9 any soy products or products in -- that include soy?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Have you ever --</p> <p>12 A. Excuse me, fresh edamame. That's soybeans,</p> <p>13 right? Okay.</p> <p>14 Q. Anything else?</p> <p>15 A. No.</p> <p>16 Q. Have you ever checked any label of any food</p> <p>17 product that you've bought to make sure that it did not</p> <p>18 have soy in it?</p> <p>19 A. No.</p> <p>20 Q. The Sara Lee bread products that you bought</p> <p>21 when your kids were living with you, did you also eat</p> <p>22 those or were those just for your kids?</p> <p>23 A. I ate a minimal amount compared to my kids.</p> <p>24 Q. Well, that's just necessarily true. But what</p> <p>25 do you mean by "minimal amount"?</p>
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<p>1 Q. -- that you get the Softees from?</p> <p>2 A. I do not.</p> <p>3 Q. To you does "delivered daily" have the same</p> <p>4 meaning as "delivered today"?</p> <p>5 A. No.</p> <p>6 Q. What's the difference, in your mind, between</p> <p>7 "delivered daily" and "delivered today"?</p> <p>8 A. Delivered daily would mean every day. And</p> <p>9 delivered today would mean that the -- something just</p> <p>10 arrived that day.</p> <p>11 Q. Have you ever bought any Entenmann's products</p> <p>12 other than the Softees and perhaps the mini blueberry</p> <p>13 muffins, since we're not sure whether they were</p> <p>14 Entenmann's or not?</p> <p>15 A. I can't recall anything specifically.</p> <p>16 Q. Have you bought any Entenmann's coffee cakes?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. Have you ever bought any coffee cake from a</p> <p>19 store?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Have you ever bought any cake from a store?</p> <p>22 A. No.</p> <p>23 Q. Have you ever bought any food products with</p> <p>24 soy in them?</p> <p>25 A. Yes.</p>	<p>1 A. I just didn't eat as much of it. I -- it's</p> <p>2 not my -- I just didn't.</p> <p>3 Q. How -- how much would you say you ate of Sara</p> <p>4 Lee -- the whole wheat bread product that you bought</p> <p>5 for your kids, during the time that they lived with</p> <p>6 you?</p> <p>7 A. Maybe like --</p> <p>8 Q. -- on a --</p> <p>9 A. -- probably 5 percent of what they ate, if</p> <p>10 that.</p> <p>11 Q. Do you recall, as you sit here today, actually</p> <p>12 eating Sara Lee 100 percent whole wheat bread as</p> <p>13 opposed to some other kind of bread?</p> <p>14 A. Do I recall eating it?</p> <p>15 Q. That kind -- that type of bread specifically,</p> <p>16 that brand and variety.</p> <p>17 A. Yes.</p> <p>18 Q. When do you recall eating Sara Lee 100 percent</p> <p>19 whole wheat bread?</p> <p>20 A. I do not have a date.</p> <p>21 Q. Do you recall eating Sara Lee Classic</p> <p>22 100 percent whole wheat bread?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recall when you ate that product?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q. Do you know how -- on how many occasions you</p> <p>2 ate Sara Lee 100 percent -- or Classic 100 percent</p> <p>3 whole wheat bread?</p> <p>4 A. No.</p> <p>5 Q. Do you know on how many occasions you ate Sara</p> <p>6 Lee 100 percent whole wheat bread?</p> <p>7 A. No.</p> <p>8 Q. Was it more than five?</p> <p>9 A. Sure. Over my lifetime?</p> <p>10 Q. Yes.</p> <p>11 A. Yes.</p> <p>12 Q. Was it more than ten?</p> <p>13 A. Probably.</p> <p>14 Q. Was it more than 20?</p> <p>15 A. I don't know. Sorry.</p> <p>16 Q. That's okay. I'm just trying to see if I can</p> <p>17 get a ballpark.</p> <p>18 A. Yeah.</p> <p>19 Q. Do you believe it was more than 20 times?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Fifty?</p> <p>22 A. Maybe.</p> <p>23 Q. Have you ever bought any toasted bread</p> <p>24 products?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Are you now saying you looked at the</p> <p>2 ingredient list as well?</p> <p>3 A. I would sometimes look at the ingredient</p> <p>4 lists. I think that -- there is a misinterpretation</p> <p>5 here. When we were talking about cereal, for example,</p> <p>6 I would look at the ingredient list to see how far down</p> <p>7 sugar was.</p> <p>8 Q. Okay. Do you recall looking at ingredients</p> <p>9 for sugar -- for cereal?</p> <p>10 A. Yes.</p> <p>11 Q. What types of cereal, what brands?</p> <p>12 A. Whatever the kids asked me for at the time.</p> <p>13 Q. I don't know your kids.</p> <p>14 A. I don't --</p> <p>15 Q. I don't know what they asked for.</p> <p>16 A. Yeah. I don't know what brand.</p> <p>17 Q. Can you recall, as you sit here today, looking</p> <p>18 at the ingredient list of any cereal brand?</p> <p>19 A. Not specifically.</p> <p>20 Q. Okay. Do you recall looking at the ingredient</p> <p>21 list for any product other than cereal?</p> <p>22 A. Again, randomly, but yes.</p> <p>23 Q. What products other than cereal? And, again,</p> <p>24 I'm just interested --</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. Have you ever bought any Melba toast?</p> <p>2 A. No.</p> <p>3 Q. When you made your food purchases between 2008</p> <p>4 and 2012, when your kids were living with you, did you</p> <p>5 make any effort to determine the ingredients in those</p> <p>6 food products?</p> <p>7 A. No different than I explained earlier.</p> <p>8 Q. Right. You never read the ingredient list in</p> <p>9 -- in those food products is what you said earlier.</p> <p>10 A. Sometimes I did --</p> <p>11 Q. Okay. Do you --</p> <p>12 A. -- especially to look for sugar.</p> <p>13 Q. But I'm talking about the ingredients, not the</p> <p>14 grid.</p> <p>15 A. Oh, well, that's the same thing, too. I</p> <p>16 mean...</p> <p>17 Q. What do you mean?</p> <p>18 A. The ingredient list is in order of quantity.</p> <p>19 I don't know if it's quantity or percentage or</p> <p>20 whatever, but -- so I would look at that ingredient</p> <p>21 list for things like sugar.</p> <p>22 Q. But you previously testified that you looked</p> <p>23 at the grid which said the daily nutritional value for</p> <p>24 things like sugar or fat or fiber?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. -- in what you read the ingredient list for.</p> <p>2 A. When you -- when you say "ingredient list," I</p> <p>3 would typically just look at the first few ingredients.</p> <p>4 Whatever just got my attention.</p> <p>5 Q. I'm asking you to name one product other than</p> <p>6 cereal that you've read an ingredient list for.</p> <p>7 A. How about juice?</p> <p>8 Q. Did you read ingredient lists for juice?</p> <p>9 A. Yes.</p> <p>10 Q. What juice products?</p> <p>11 A. I don't know.</p> <p>12 Q. When was the last time you read an ingredient</p> <p>13 list for a juice product?</p> <p>14 A. I don't know.</p> <p>15 Q. When was the last time you read an ingredient</p> <p>16 list for a cereal product?</p> <p>17 A. That's probably been a couple of years since</p> <p>18 we haven't -- since I'm not looking at kid cereals</p> <p>19 anymore.</p> <p>20 Q. What kid cereals did you buy?</p> <p>21 A. I don't know.</p> <p>22 Q. Can --</p> <p>23 A. Probably Fruit Loops when they were little.</p> <p>24 Q. Other than Fruit Loops, do you recall any</p> <p>25 cereals that you bought for your children?</p>

<p style="text-align: right;">Page 146</p> <p>1 A. Not specifically.</p> <p>2 Q. Did you read the ingredients on the Fruit</p> <p>3 Loops?</p> <p>4 A. Probably.</p> <p>5 Q. Do you recall doing that?</p> <p>6 A. Not specifically.</p> <p>7 Q. Do you recall what ingredients were in Fruit</p> <p>8 Loops?</p> <p>9 A. No.</p> <p>10 Q. Do you recall whether sugar was a primary</p> <p>11 ingredient in Fruit Loops?</p> <p>12 A. I'm sure it was. I don't recall specifically.</p> <p>13 Q. Do you know why you bought Fruit Loops if it</p> <p>14 had a primary ingredient of sugar?</p> <p>15 A. It was a treat.</p> <p>16 Q. Do Fruit Loops also have added coloring?</p> <p>17 A. Probably.</p> <p>18 Q. Do you know why you bought Fruit Loops even</p> <p>19 though it had added coloring?</p> <p>20 A. It was a treat.</p> <p>21 Q. How often did you buy Fruit Loops?</p> <p>22 A. Not very.</p> <p>23 Q. How many times a year?</p> <p>24 A. Maybe twice a year.</p> <p>25 Q. Did you buy cereal more often -- did you buy</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Chex, Rice Chex.</p> <p>2 Q. Do you know what the ingredients in Rice Chex</p> <p>3 are?</p> <p>4 A. No.</p> <p>5 Q. Did you ever check the ingredient list for</p> <p>6 Rice Chex?</p> <p>7 A. No.</p> <p>8 Q. Why did you buy Rice Chex?</p> <p>9 A. Because we like them.</p> <p>10 Q. Why did you buy Cheerios?</p> <p>11 A. Because kids eat Cheerios.</p> <p>12 Q. Any other reasons?</p> <p>13 A. No, other than the fact that they're healthier</p> <p>14 than sugared cereals, so that's why the other one was a</p> <p>15 treat, so...</p> <p>16 Q. Did you buy any other cereals?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. How did you know that Cheerios were healthier</p> <p>19 than Fruit Loops?</p> <p>20 A. How do I put this, because they're simple.</p> <p>21 They're -- they're not full of sugar.</p> <p>22 Q. How do you know that if you didn't read the</p> <p>23 ingredient list?</p> <p>24 A. Because there is nothing sweet tasting about</p> <p>25 them, so I would assume there is no sugar. Or if there</p>
<p style="text-align: right;">Page 147</p> <p>1 any types of cereal more often than you bought Fruit</p> <p>2 Loops?</p> <p>3 A. Yes. Primarily Grape-Nuts.</p> <p>4 Q. Did you ever check the ingredients on a</p> <p>5 Grape-Nuts box?</p> <p>6 A. On the back of the box, no.</p> <p>7 Q. I'm asking whether you checked the ingredient</p> <p>8 list.</p> <p>9 A. No.</p> <p>10 Q. Other than Grape-Nuts and Fruit Loops, what</p> <p>11 kind of cereal did you buy?</p> <p>12 A. Cheerios.</p> <p>13 Q. Did you ever read the ingredients in Cheerios?</p> <p>14 A. No.</p> <p>15 Q. What types of Cheerios did you buy? Was there</p> <p>16 a particular variety?</p> <p>17 A. Just regular.</p> <p>18 Q. Do you know how much sugar is in Cheerios?</p> <p>19 A. No, I do not.</p> <p>20 Q. Do you know whether Cheerios have added color?</p> <p>21 A. I do not.</p> <p>22 Q. Do you know whether Cheerios have soy in them?</p> <p>23 A. I do not.</p> <p>24 Q. Other than Fruit Loops, Grape-Nuts and</p> <p>25 Cheerios, what cereals did you buy?</p>	<p style="text-align: right;">Page 149</p> <p>1 is, it would be minimal in comparison.</p> <p>2 Q. What about Rice Chex? Why were -- how do you</p> <p>3 have an understanding that Rice Chex are healthier than</p> <p>4 Fruit Loops?</p> <p>5 A. Same reason.</p> <p>6 Q. Just the taste?</p> <p>7 A. Yeah, and there's -- they're not all sugar</p> <p>8 coated.</p> <p>9 Q. Do you know how much sugar is in Rice Chex?</p> <p>10 A. I do not.</p> <p>11 Q. Do you know whether Rice Chex have any</p> <p>12 artificial colors?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know if they have any soy?</p> <p>15 A. Don't know.</p> <p>16 Q. Do you know if Cheerios have any preservatives</p> <p>17 in them?</p> <p>18 A. I don't.</p> <p>19 Q. Do you know whether Rice Chex have any</p> <p>20 preservatives in them?</p> <p>21 A. I would assume they both do.</p> <p>22 Q. Why do you assume that?</p> <p>23 A. Because they're packaged the way they are,</p> <p>24 sealed up, expiration date on those is far out, so they</p> <p>25 must have something. Far out.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q. Have you ever seen a moldy Cheerio?</p> <p>2 A. A what?</p> <p>3 Q. A moldy Cheerio?</p> <p>4 A. No.</p> <p>5 Q. In the past month, have you gone out to eat in</p> <p>6 a restaurant?</p> <p>7 A. Yes.</p> <p>8 Q. Have you eaten at any fast food restaurants in</p> <p>9 the past month?</p> <p>10 A. Yes.</p> <p>11 Q. Which fast food restaurants?</p> <p>12 A. Taco Bell.</p> <p>13 <u>Exhibit 1</u> Any others?</p> <p>14 A. No.</p> <p>15 Q. When your children were living with you, did</p> <p>16 you take them out to fast food restaurants?</p> <p>17 A. Not very much.</p> <p>18 Q. Ever?</p> <p>19 A. Yes.</p> <p>20 Q. Which ones?</p> <p>21 <u>Exhibit 1</u> Taco Bell, In-N-Out Burger.</p> <p>22 Q. Any others?</p> <p>23 A. They don't really like it.</p> <p>24 Q. They don't really like what?</p> <p>25 A. Fast food.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Did you go to the gym together?</p> <p>2 A. Yes.</p> <p>3 Q. How many times a week would you go to the gym</p> <p>4 with your children?</p> <p>5 A. It would vary. Well, all three of us never</p> <p>6 went together. I would go with my son or I would go</p> <p>7 with my daughter.</p> <p>8 Q. How many times a week would you go with one or</p> <p>9 the other of your children?</p> <p>10 A. Huge variations in the years. But with my</p> <p>11 daughter, twice a week. And the same thing with my</p> <p>12 son, but they were working out at different times,</p> <p>13 so...</p> <p>14 Q. Would it depend on whether they were staying</p> <p>15 with their father or not?</p> <p>16 A. Not once they got their license.</p> <p>17 Q. Once they could drive?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Is that yes?</p> <p>20 A. Yes. Sorry.</p> <p>21 Q. It's all right.</p> <p>22 MR. GORE: Thank you.</p> <p>23 MR. GOODMAN: One. Pierce, are we going to do</p> <p>24 these consecutively numbered exhibits for all depos. I</p> <p>25 think --</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. Where have you gone out to dinner in the past</p> <p>2 month or gone out to eat at a restaurant -- at a</p> <p>3 restaurant?</p> <p>4 A. I was on a business trip, so I went out every</p> <p>5 night. Cafe Bellagio. I can't think of all the rest</p> <p>6 of them. Fix. I can't remember where we ate.</p> <p>7 Q. Okay. Do you buy frozen meals for yourself at</p> <p>8 home, like frozen dinners?</p> <p>9 A. No.</p> <p>10 Q. Do you belong to a gym?</p> <p>11 <u>Exhibit 1</u> Yes.</p> <p>12 Q. Which gym?</p> <p>13 A. 24 Hour.</p> <p>14 Q. How long have you belonged to 24 Hour?</p> <p>15 A. Since 1991 or '2, somewhere in there.</p> <p>16 Q. Is that a local 24 Hour --</p> <p>17 A. I can go to --</p> <p>18 Q. -- Fitness?</p> <p>19 A. -- any of them.</p> <p>20 Pardon?</p> <p>21 Q. Which one do you primarily go to?</p> <p>22 A. There's two, Hillsdale and Curtner.</p> <p>23 Q. Did your children also belong to 24 Hour</p> <p>24 Fitness when they were living with you?</p> <p>25 A. They did.</p>	<p style="text-align: right;">Page 153</p> <p>1 MR. GORE: That -- is this the first -- the</p> <p>2 first one?</p> <p>3 MR. GOODMAN: Yes.</p> <p>4 MR. GORE: That's fine with me. I -- I have</p> <p>5 no problem with that.</p> <p>6 MR. GOODMAN: It's just easier to manage</p> <p>7 documents that way.</p> <p>8 MR. GORE: Perfectly fine.</p> <p>9 MR. GOODMAN: Okay.</p> <p>10 (Streit Deposition Exhibit 1 was marked.)</p> <p>11 THE COURT REPORTER: I'll give it to the</p> <p>12 witness?</p> <p>13 MR. GOODMAN: Yes.</p> <p>14 THE COURT REPORTER: Ma'am.</p> <p>15 MR. GOODMAN: You get your own copy.</p> <p>16 THE WITNESS: Oh, thank you. I'm sorry.</p> <p>17 BY MR. GOODMAN:</p> <p>18 Q. Ms. Streit, I've marked as Exhibit 1 the</p> <p>19 second amended complaint in this litigation that has</p> <p>20 you as a plaintiff. Have you ever seen this document</p> <p>21 before?</p> <p>22 A. Yes.</p> <p>23 Q. When was the first time you saw this document?</p> <p>24 A. Actually, you know what, I take that back. I</p> <p>25 have not seen this.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. What makes you think you have not seen this</p> <p>2 document?</p> <p>3 A. It doesn't look familiar.</p> <p>4 Q. Okay.</p> <p>5 A. Wait a minute, wait a minute, wait a minute.</p> <p>6 No, I haven't seen this entire thing.</p> <p>7 Q. Okay. If I could direct your attention to</p> <p>8 page 20 in Exhibit 1. Paragraph 173, it says</p> <p>9 "Defendant's misrepresentations are part of its</p> <p>10 systematic labeling practice, and a reasonable person</p> <p>11 would attach importance to defendant's</p> <p>12 misrepresentations in determining whether to purchase</p> <p>13 the products at issue."</p> <p>14 What importance did you attach to any of the</p> <p>15 Bimbo Bakeries labels?</p> <p>16 A. Importance. The -- the claims, if you will,</p> <p>17 that they were an excellent source of whole grain, is</p> <p>18 that -- are you asking how important that was?</p> <p>19 Q. I'm asking what importance, if any, you</p> <p>20 attached to any of the labels.</p> <p>21 A. Okay. Anything that led me to believe that</p> <p>22 any of these products were healthier than other choices</p> <p>23 that I would've had, or that they were fresher than</p> <p>24 other choices.</p> <p>25 Q. How did the Bimbo Bakeries labels lead you to</p>	<p style="text-align: right;">Page 156</p> <p>1 positives.</p> <p>2 Q. What other statements led you to those</p> <p>3 products?</p> <p>4 A. Baked fresh daily.</p> <p>5 Q. Any other statements?</p> <p>6 A. Not specifically.</p> <p>7 Q. Do you have any reason to believe that Sara</p> <p>8 Lee 100 percent whole wheat bread is not 100 percent</p> <p>9 whole wheat?</p> <p>10 A. Yes.</p> <p>11 Q. What is that based on?</p> <p>12 A. I have found out, since I brought this to</p> <p>13 Pierce's attention, that there's other things in it.</p> <p>14 There's soy and other products that make it not</p> <p>15 100 percent whole wheat, in my opinion.</p> <p>16 Q. What about soy makes it not 100 percent whole</p> <p>17 wheat?</p> <p>18 A. Just the very fact that it's in there. It's a</p> <p>19 soy flour, not a wheat flour.</p> <p>20 Q. Do you understand that soy is a grain?</p> <p>21 A. But it's not whole wheat.</p> <p>22 Q. That wasn't my question.</p> <p>23 A. Yes. Sorry. To answer your question, yes.</p> <p>24 Q. Do you -- do you understand that soy is a</p> <p>25 grain?</p>
<p style="text-align: right;">Page 155</p> <p>1 believe that they were healthier than other choices you</p> <p>2 had?</p> <p>3 A. By the front package saying a hundred percent</p> <p>4 whole wheat or excellent source of whole grain or --</p> <p>5 well, baked fresh daily doesn't necessarily mean</p> <p>6 healthier. It just means fresher. Or good source of</p> <p>7 whole grain.</p> <p>8 Q. What alternatives did you have that you</p> <p>9 believed were less healthy than 100 percent whole wheat</p> <p>10 bread from Bimbo Bakeries?</p> <p>11 A. Alternatives? Meaning other brands?</p> <p>12 Q. You used that term.</p> <p>13 A. Okay. So -- well, that's --</p> <p>14 Q. I -- I'm not using --</p> <p>15 A. -- that's how I'm interpreting it. So, yeah,</p> <p>16 there's -- I don't know specific brands, but what led</p> <p>17 me to these products was the labels that -- the front</p> <p>18 labels that said 100 percent and so forth.</p> <p>19 Q. A hundred percent whole wheat?</p> <p>20 A. Correct.</p> <p>21 Q. And an excellent source of whole grains?</p> <p>22 A. Correct.</p> <p>23 Q. Any other statements on the labels that led</p> <p>24 you to those products?</p> <p>25 A. Good source of whole grain. All the</p>	<p style="text-align: right;">Page 157</p> <p>1 MR. GORE: Objection. Calls for speculation.</p> <p>2 You can answer</p> <p>3 MR. GOODMAN: I'm asking for her</p> <p>4 understanding.</p> <p>5 THE WITNESS: It is my assumption that it is.</p> <p>6 BY MR. GOODMAN:</p> <p>7 Q. What is your assumption, that soy is a grain,</p> <p>8 based on?</p> <p>9 A. I'm not an expert.</p> <p>10 Q. I'm not asking you to be one.</p> <p>11 A. I know. You know, because they make flour --</p> <p>12 Q. I'm asking for your understanding.</p> <p>13 A. Because they make flour out of it.</p> <p>14 Q. Is it your understanding that, because you can</p> <p>15 make flour out of something, it has to be a grain?</p> <p>16 A. No, actually.</p> <p>17 Q. What, other than the fact that there is soy,</p> <p>18 to your knowledge, in Sara Lee 100 percent whole wheat</p> <p>19 bread, makes that claim false?</p> <p>20 A. What -- can you rephrase that?</p> <p>21 Q. Sure. Let me try it this way: You said that</p> <p>22 there was soy and other things in the bread that made</p> <p>23 it not 100 percent whole wheat. What other things were</p> <p>24 in the bread, to your knowledge, that made it not a</p> <p>25 hundred percent whole wheat?</p>

<p style="text-align: right;">Page 158</p> <p>1 A. I think there is white flour in it, too.</p> <p>2 Q. How do you know that there's white flour in</p> <p>3 the bread?</p> <p>4 MR. GOODMAN: We'll get to the labels, Pierce.</p> <p>5 THE WITNESS: Yeah.</p> <p>6 MR. GORE: I'm only looking at the label. I'm</p> <p>7 not showing it to the witness.</p> <p>8 THE WITNESS: No.</p> <p>9 MR. GORE: I'm just looking --</p> <p>10 THE WITNESS: I --</p> <p>11 THE COURT REPORTER: Hold on. I can only take</p> <p>12 one person a time.</p> <p>13 THE WITNESS: Who are we on?</p> <p>14 MR. GOODMAN: It's the witness's turn.</p> <p>15 THE WITNESS: Okay. Since analyzing labels</p> <p>16 more closely, I saw it on there.</p> <p>17 BY MR. GOODMAN:</p> <p>18 Q. You saw it on where?</p> <p>19 A. The ingredient list.</p> <p>20 Q. Of what?</p> <p>21 A. Sorry. The 100 percent whole wheat bread.</p> <p>22 Q. When did you see it on the ingredient list of</p> <p>23 the 100 percent whole wheat bread?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Did you see it on -- did you see this -- the</p>	<p style="text-align: right;">Page 160</p> <p>1 100 percent whole wheat bread?</p> <p>2 A. Because it said it.</p> <p>3 Q. Where?</p> <p>4 A. On the ingredient list.</p> <p>5 Q. Did you read the ingredient list when you</p> <p>6 purchased 100 percent whole wheat bread?</p> <p>7 A. No.</p> <p>8 Q. When did you read the ingredient list on</p> <p>9 100 percent whole wheat bread to see if there was soy</p> <p>10 in it?</p> <p>11 A. Again, I don't know.</p> <p>12 Q. If you had read the ingredient list when you</p> <p>13 purchased 100 percent whole wheat bread, do you believe</p> <p>14 you would have seen that there was soy in it?</p> <p>15 A. If I had my glasses with me and I read it,</p> <p>16 yes, I would've seen it.</p> <p>17 Q. Do you bring your glasses with you when you go</p> <p>18 shopping?</p> <p>19 A. Sometimes.</p> <p>20 Q. What de- -- what does it depend on, whether</p> <p>21 you bring your glasses or not?</p> <p>22 A. Nothing. Just if they happen to be in my</p> <p>23 purse.</p> <p>24 Q. Okay. When you don't have your glasses with</p> <p>25 you, can you read the labels?</p>
<p style="text-align: right;">Page 159</p> <p>1 statement that it had white flour in Sara Lee</p> <p>2 100 percent whole wheat bread at the time that you</p> <p>3 purchased that bread?</p> <p>4 A. No.</p> <p>5 Q. So is it sometime after you filed this</p> <p>6 lawsuit?</p> <p>7 A. No.</p> <p>8 Q. When was the first time you read the</p> <p>9 ingredient list on Sara Lee 100 percent whole wheat</p> <p>10 bread and saw that it contained white flour?</p> <p>11 A. Probably -- I don't know. I can't remember.</p> <p>12 I'm not sure if I did it before I called or after.</p> <p>13 Q. Called Pierce?</p> <p>14 A. Mm-hmm.</p> <p>15 Q. Is that a yes?</p> <p>16 A. Yes. Sorry.</p> <p>17 Q. What is white flour, to your knowledge?</p> <p>18 A. I have no idea. Highly processed.</p> <p>19 Q. Highly processed what?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know what it's made out of?</p> <p>22 A. I don't know.</p> <p>23 Q. As to what is white flour made out of.</p> <p>24 A. I don't know.</p> <p>25 Q. How do you know that soy was in the Sara Lee</p>	<p style="text-align: right;">Page 161</p> <p>1 A. Sure.</p> <p>2 Q. Okay. So have you -- do you recall reading</p> <p>3 the label on 100 percent whole wheat bread without your</p> <p>4 glasses?</p> <p>5 A. Yes, but not at the -- okay. Sorry. Label</p> <p>6 means -- you're referring to the front of the package</p> <p>7 or -- because that's where I'm getting hung up here.</p> <p>8 Q. Okay. Again, ma'am, I'm referring to the</p> <p>9 entire package.</p> <p>10 A. Okay. So your question was?</p> <p>11 Q. My question was, do you recall reading the</p> <p>12 labeling on 100 percent whole wheat bread from Sara Lee</p> <p>13 when you didn't have your glasses?</p> <p>14 A. Yes.</p> <p>15 Q. And you did that when you purchased the</p> <p>16 product?</p> <p>17 A. On the front of the package, yes.</p> <p>18 Q. Okay. And do you know whether, if you had</p> <p>19 read the ingredient list, you would have seen that it</p> <p>20 had soy in it?</p> <p>21 A. I should have.</p> <p>22 Q. Okay. Do you know whether there's actually</p> <p>23 soy in the Sara Lee bread or whether it's just on the</p> <p>24 ingredient list?</p> <p>25 A. I have no way of knowing that.</p>

<p style="text-align: right;">Page 162</p> <p>1 Q. If you had read the packaging on the</p> <p>2 100 percent whole wheat bread from Sara Lee, and you</p> <p>3 had seen that it included soy as an ingredient, would</p> <p>4 you have not purchased the product?</p> <p>5 A. On a -- on a -- from a perspective of</p> <p>6 principle, probably not.</p> <p>7 Q. What do you mean?</p> <p>8 A. Meaning that if a label misrepresents what's</p> <p>9 really in a package, that's wrong. So I would -- yeah.</p> <p>10 Q. Have you ever not bought a product at any time</p> <p>11 before you filed this lawsuit because the product was</p> <p>12 mislabeled?</p> <p>13 A. Have I ever -- I wouldn't know. I wouldn't</p> <p>14 know if a product was mislabeled.</p> <p>15 Q. My question, ma'am, is at any time before you</p> <p>16 filed this lawsuit, have you ever refused to buy a</p> <p>17 product because it was mislabeled?</p> <p>18 A. I'm not following that. I -- if -- if it was</p> <p>19 priced wrong, for example, you get up to the register</p> <p>20 and it's got the wrong price, I wouldn't buy it --</p> <p>21 Q. I'm not --</p> <p>22 A. -- on a matter of principle.</p> <p>23 Q. -- asking for theory, ma'am. I'm asking, as</p> <p>24 you sit here today, do you recall, for whatever reason,</p> <p>25 not buying a product because it was mislabeled?</p>	<p style="text-align: right;">Page 164</p> <p>1 only to the extent that it seeks information --</p> <p>2 communication protected by the attorney-client</p> <p>3 privilege.</p> <p>4 MR. GOODMAN: She --</p> <p>5 MR. GORE: Mark isn't asking you to tell him</p> <p>6 about our communications. He's entitled to know what's</p> <p>7 in your head, what your understanding is.</p> <p>8 THE WITNESS: Oh.</p> <p>9 MR. GOODMAN: Well --</p> <p>10 MR. GORE: Please answer.</p> <p>11 MR. GOODMAN: -- just a clarification on that.</p> <p>12 BY MR. GOODMAN:</p> <p>13 Q. If what led you to believe that was Mr. Gore,</p> <p>14 you can just give me his name. He's correct; I don't</p> <p>15 want the substance of the communications. I'm just</p> <p>16 trying to lay a foundation here to see how you knew or</p> <p>17 understood that Sara Lee 100 percent whole wheat bread</p> <p>18 was not an excellent source of whole grains.</p> <p>19 A. After I brought it to the office, that's how I</p> <p>20 knew.</p> <p>21 Q. And by "the office," you mean to Mr. Gore?</p> <p>22 A. Correct.</p> <p>23 Q. So that's information -- that's an</p> <p>24 <u>Exhibit 1</u> landing you -- you obtained from Mr. Gore,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 163</p> <p>1 A. No.</p> <p>2 Q. Let's start with that.</p> <p>3 A. Okay.</p> <p>4 Q. Then we can get into why it was mislabeled.</p> <p>5 A. No.</p> <p>6 Q. So as you sit here today, you can't recall any</p> <p>7 instance in which you refused to buy a product because</p> <p>8 it was mislabeled, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. What leads you to believe that Sara Lee</p> <p>11 100 percent whole wheat bread is not an excellent</p> <p>12 source of whole grains?</p> <p>13 A. Since I brought this matter to the attention</p> <p>14 of this office, I found out that it does not meet</p> <p>15 certain FDA and other guidelines to be qualified as</p> <p>16 100 percent whole wheat.</p> <p>17 Q. My question is hundred -- is an excellent</p> <p>18 source of whole grain.</p> <p>19 A. Excellent source of whole grain. Sorry.</p> <p>20 Wrong one.</p> <p>21 Q. So what led you to believe that the product</p> <p>22 had -- was not an excellent source of whole grains?</p> <p>23 A. What led me to believe?</p> <p>24 Q. Yes.</p> <p>25 MR. GORE: I'm going to object to the question</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Yes.</p> <p>2 <u>Exhibit 1</u> Okay. Do you know what products do provide an</p> <p>3 excellent source of whole grains?</p> <p>4 A. No.</p> <p>5 Q. Have you ever bought any products that are an</p> <p>6 excellent source of whole grains?</p> <p>7 A. I would assume so, but I can't specifically</p> <p>8 identify them.</p> <p>9 Q. And I asked you this before, but let's just be</p> <p>10 clear. You don't know what amount of whole grains</p> <p>11 would constitute an excellent source of whole grains,</p> <p>12 correct?</p> <p>13 A. No, I do not know.</p> <p>14 Q. Okay. And you don't -- same questions for</p> <p>15 good source of whole grain. Have -- do you know what</p> <p>16 constitutes a good source of whole grains?</p> <p>17 A. I do not.</p> <p>18 Q. Do you know whether you have purchased any</p> <p>19 products that are a good source of whole grains?</p> <p>20 A. I would assume, but I do not know</p> <p>21 specifically.</p> <p>22 Q. And those products would be the same products</p> <p>23 you told me about earlier, which are the -- the bread</p> <p>24 with the seeds on the outside?</p> <p>25 A. That's correct.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. Anything else?</p> <p>2 A. Not specifically.</p> <p>3 Q. How about generally, anything else?</p> <p>4 A. No.</p> <p>5 Q. If you hadn't purchased the Sara Lee</p> <p>6 100 percent whole wheat bread because it was claiming</p> <p>7 <u>Exhibit 2</u> hole wheat and it had soy flour in it, what</p> <p>8 product would you have purchased?</p> <p>9 <u>Exhibit 2</u> I don't know.</p> <p>10 Q. How much would -- would you have paid for that</p> <p>11 product?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know if that product would have been</p> <p>14 less expensive than the Sara Lee 100 percent whole</p> <p>15 wheat bread?</p> <p>16 A. I have no idea.</p> <p>17 Q. Are you aware as you sit here today, ma'am, of</p> <p>18 any whole wheat bread that you've ever purchased that's</p> <p>19 less expensive than Sara Lee 100 percent whole wheat</p> <p>20 bread?</p> <p>21 A. Not specifically.</p> <p>22 Q. Are you aware of any bread that is less</p> <p>23 expensive than any Sara Lee whole wheat bread, not just</p> <p>24 the hundred percent?</p> <p>25 A. Not specifically.</p>	<p style="text-align: right;">Page 168</p> <p>1 called substantially similar products beginning on page</p> <p>2 21. Have you purchased any of these products that are</p> <p>3 listed in Exhibit 1, which is your complaint? The list</p> <p>4 begins on page 23.</p> <p>5 A. Okay.</p> <p>6 MR. GORE: I'm sorry. I thought you said 21.</p> <p>7 THE WITNESS: I know. That's why I couldn't</p> <p>8 find it.</p> <p>9 MR. GOODMAN: I said -- I said 21 begins the</p> <p>10 discussion of the substantially similar products.</p> <p>11 MR. GORE: Oh. Thank you.</p> <p>12 MR. GOODMAN: You're welcome.</p> <p>13 THE WITNESS: Okay. So you're asking me if</p> <p>14 I've ever purchased any of these?</p> <p>15 BY MR. GOODMAN:</p> <p>16 Q. Yes. I'm asking whether you purchased any of</p> <p>17 the substantially similar products listed in your</p> <p>18 complaint.</p> <p>19 A. Okay. No.</p> <p>20 Q. Do you know anyone who's ever purchased any of</p> <p>21 the substantially similar products listed in your</p> <p>22 complaint?</p> <p>23 A. No.</p> <p>24 Q. Are you aware what any of the labels on those</p> <p>25 products look like?</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. What bread would you have bought instead of</p> <p>2 Sara Lee 100 percent whole wheat bread that would have</p> <p>3 been a good source of whole grains?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know whether that product would have</p> <p>6 been less expensive than the Sara Lee product?</p> <p>7 A. I have no idea.</p> <p>8 Q. How much did you pay for any Sara Lee bread</p> <p>9 product?</p> <p>10 A. No idea.</p> <p>11 Q. How much did you pay for any Entenmann's</p> <p>12 product?</p> <p>13 A. Don't know.</p> <p>14 Q. Do you have any documents that indicate that</p> <p>15 you bought any Sara Lee products?</p> <p>16 A. No. I don't save grocery receipts.</p> <p>17 Q. Do you have any documents that indicate that</p> <p>18 you bought any Entenmann's products?</p> <p>19 A. Same thing; no.</p> <p>20 Q. Do you have any -- let's just try to shortcut</p> <p>21 this. Did you -- do you have any documents anywhere</p> <p>22 that indicate that you ever purchased any Bimbo</p> <p>23 Bakeries products?</p> <p>24 A. No.</p> <p>25 Q. Exhibit 1 lists a number of other products</p>	<p style="text-align: right;">Page 169</p> <p>1 A. No.</p> <p>2 Q. Do you know anyone, to your knowledge, who's</p> <p>3 aware of those labels?</p> <p>4 A. No.</p> <p>5 MR. GOODMAN: Let's mark this as next, please.</p> <p>6 Nice thing about this small table is, I don't have to</p> <p>7 throw it at you.</p> <p>8 (Streit Deposition Exhibit 2 was marked.)</p> <p>9 BY MR. GOODMAN:</p> <p>10 Q. Exhibit 2 is the Plaintiffs' initial --</p> <p>11 initial disclosures filed in this case. Ms. Streit, do</p> <p>12 you recognize these disclosures?</p> <p>13 <u>Exhibit 3</u> My name is not listed on here.</p> <p>14 Q. I did not prepare this document.</p> <p>15 <u>Exhibit 3</u> Yeah, I know. Sorry, sorry.</p> <p>16 Q. I don't think Mr. Gore did either, so we're</p> <p>17 all off the hook in this room.</p> <p>18 A. This -- I know the interrogatory thing that I</p> <p>19 filled out. This --</p> <p>20 Q. Yeah. My question is about this document,</p> <p>21 ma'am. Have you ever seen these initial disclosures</p> <p>22 before?</p> <p>23 A. Not this -- no.</p> <p>24 Q. On the second page --</p> <p>25 A. Unless it's part -- excuse me. Unless it's</p>

<p style="text-align: right;">Page 170</p> <p>1 part of the other document and I just didn't see it, 2 but no. 3 Q. I'll represent to you that it's not -- 4 A. Okay. 5 Q. -- part of the other document. The other 6 Exhibit 3 you're referring to is the written discovery 7 responses -- 8 A. Yes. 9 Q. -- it's not. 10 A. Okay. 11 Q. I think your lawyer will agree -- agree with 12 my characterization. 13 MR. GORE: I will. 14 BY MR. GOODMAN: 15 Q. On the second page, under Roman numeral II, in 16 the paragraph underneath that paragraph, it says, 17 Exhibit 3iffs have in their possession, custody or" -- 18 "or control packaging related to products identified in 19 the second amended complaint." 20 What packaging do you have? 21 A. The packages that the bread and the donuts 22 came in. 23 Q. You're pointing to packaging next to your 24 lawyer? 25 A. Correct.</p>	<p style="text-align: right;">Page 172</p> <p>1 to us? 2 MR. GORE: Yes, I believe so. I be- -- I -- 3 well, when you say were these produced to you, I 4 believe we produced to you photographs of these 5 packages. I don't know if we sent you the actual 6 packages. I don't -- as I sit here, I don't recall. 7 We're happy to -- happy to do that, but I believe you 8 have photographs of all of Ms. Streit's purchased 9 products. 10 THE WITNESS: That's a lot of ink. 11 MR. GOODMAN: Mark that next, please. Thank 12 you. 13 THE WITNESS: Thank you. 14 (Streit Deposition Exhibit 3 was marked.) 15 BY MR. GOODMAN: 16 Q. Ms. Streit, I've marked as Exhibit 3 a 17 collection of photographs. 18 MR. GOODMAN: Mr. Gore, I'll represent to you 19 that these are photograph -- copies, paper copies, of 20 the photographs that you sent to my office. 21 BY MR. GOODMAN: 22 Q. Ms. Streit, have you ever seen these 23 photographs before? 24 A. No. 25 Q. Do you know who took these photographs?</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. Where did that packaging come from? 2 A. The grocery store. 3 Q. Okay. When did you obtain that package? 4 A. Whenever the last time I bought it was, in 5 2012, primarily. 6 Q. Okay. Why did you still have that packaging 7 Exhibit 3? 8 A. It was right before I came in. 9 Q. Okay. Do you know where you bought the 10 products with that packaging? 11 Exhibit 3 Probably Safeway, but I don't know for sure. 12 It could have been Nob Hill. 13 Q. Do you recall which products, with respect to 14 the packaging that you have, you purchased at Safeway? 15 A. Do I recall which products -- can you rephrase 16 that? 17 Q. You purchased at Safeway -- 18 A. Right. 19 Q. -- with respect to these labels that are next 20 to your lawyer. 21 A. Do I know which of those I purchased at 22 Safeway? 23 Q. That's my question. 24 A. Oh, I don't know. 25 MR. GOODMAN: Pierce, have those been produced</p>	<p style="text-align: right;">Page 173</p> <p>1 A. No. 2 Q. Do you know whether the packaging that you 3 gave to your lawyer included bread in it, or was it 4 just the bags that were sitting there next to him? 5 A. No. It just had the bread -- I mean the bags. 6 Q. The picture that -- for example, look at the 7 first page of Exhibit 3. It's a picture of a bag with 8 Sara -- of Sara Lee 100 percent whole wheat, has bread 9 in it. 10 Do you see that, ma'am, the first page? 11 A. Oh, wait a minute. Wait a minute. 12 Q. Let's answer the question that I'm asking. 13 A. Hang on. 14 Q. Ms. Streit -- 15 A. Yes. I'm thinking. I'm thinking. Okay. 16 Q. Let's -- please answer the question I'm 17 asking. Do you see that the picture on the first page 18 of Exhibit 3 has bread in it? 19 A. Yes. 20 Q. Okay. 21 A. It did have bread in it. I apologize. 22 Q. Okay. So the -- the packages that you gave to 23 Mr. Gore had bread in them? 24 A. Mm-hmm. 25 Q. Is that a yes?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Had you bought these products for the</p> <p>3 purpose of giving them to Mr. Gore?</p> <p>4 A. Probably. Some I probably had, and some when</p> <p>5 I called him and told him I had concerns about some</p> <p>6 things I had seen.</p> <p>7 <u>Exhibit 3</u> Which of these products, that are depicted as</p> <p>8 part of Exhibit 3, had you purchased to consume as</p> <p>9 opposed to provide to Mr. Gore?</p> <p>10 <u>Exhibit 3</u> Which -- say that again.</p> <p>11 Q. Which of the products that are depicted in</p> <p>12 Exhibit 3 did you purchase to actually eat as opposed</p> <p>13 to just buying them so you could give them to your</p> <p>14 lawyer?</p> <p>15 <u>Exhibit 3</u> Well, some of them aren't pertinent. So like</p> <p>16 this isn't mine.</p> <p>17 Q. That's not my question, ma'am.</p> <p>18 A. Okay.</p> <p>19 Q. Do you need the question again?</p> <p>20 A. Yes, please.</p> <p>21 Q. Okay. I'm asking you which of these</p> <p>22 products --</p> <p>23 A. Okay.</p> <p>24 Q. -- not the ones that don't fit, but the ones</p> <p>25 that do. Which of the products did you purchase to eat</p>	<p style="text-align: right;">Page 176</p> <p>1 A. I'd like to clarify something.</p> <p>2 Q. Okay. What would you like to clarify after</p> <p>3 the break?</p> <p>4 A. The products that are pertinent to my</p> <p>5 discussion here with you, the four items, are the ones</p> <p>6 we talked about that I purchased through the years for</p> <p>7 my family. At the time that I -- as I explained, I was</p> <p>8 <u>Exhibit 3</u> overwhelmed by the bread aisle and making</p> <p>9 choices. I had two of the products at home still in</p> <p>10 order to show Pierce, without taking him to the grocery</p> <p>11 store, what I was talking about. I brought two more</p> <p>12 in. He did not ask me to do it. I did it because of</p> <p>13 clarification.</p> <p>14 Does that make sense?</p> <p>15 Q. So my question to you was simply, which</p> <p>16 products did you buy to consume as opposed to show to</p> <p>17 your lawyer.</p> <p>18 A. All of them through the years.</p> <p>19 Q. I mean, the ones that are in Exhibit 3?</p> <p>20 A. In here?</p> <p>21 Q. Yes.</p> <p>22 A. Okay.</p> <p>23 Q. Which --</p> <p>24 A. So --</p> <p>25 Q. These pictures of these products, which of</p>
<p style="text-align: right;">Page 175</p> <p>1 as opposed to just give them to your lawyer? Please</p> <p>2 identify those products.</p> <p>3 A. I'll pull mine out. All but the -- all but</p> <p>4 the donuts.</p> <p>5 Q. Were the products that you purchased to eat?</p> <p>6 A. And one of the breads, and I don't know which</p> <p>7 one.</p> <p>8 Q. Okay.</p> <p>9 MR. GORE: Mark, it's about 3:00. We've been</p> <p>10 going about an hour. Can we take a restroom break,</p> <p>11 please?</p> <p>12 MR. GOODMAN: Sure.</p> <p>13 THE WITNESS: I'm dying. Thank you. My --</p> <p>14 THE VIDEOGRAPHER: This is the end of Disc</p> <p>15 No. 2, Volume 1, of the deposition of Lynn Streit. The</p> <p>16 time is 2:58, and we're off the record.</p> <p>17 (Short recess taken.)</p> <p>18 THE VIDEOGRAPHER: Back on the record. This</p> <p>19 is the beginning of Disc No. 3, Volume 1, in the</p> <p>20 deposition of Lynn Streit. The time is 3:08 p.m. on</p> <p>21 February 11th of 2015.</p> <p>22 <u>Exhibit 3</u> GOODMAN:</p> <p>23 Q. Ms. Streit, during the break, you had a chance</p> <p>24 to consult with your lawyer. Did you want to change</p> <p>25 any of your testimony?</p>	<p style="text-align: right;">Page 177</p> <p>1 these actual --</p> <p>2 A. Right.</p> <p>3 Q. -- products -- not the type of product, but</p> <p>4 this loaf of bread --</p> <p>5 A. The actual --</p> <p>6 Q. Ma'am, you need to wait.</p> <p>7 This actual loaf of bread that's shown on the</p> <p>8 first page of Exhibit 3, did you buy this loaf of bread</p> <p>9 to eat it or to show it to Pierce Gore?</p> <p>10 A. To eat it.</p> <p>11 Q. Okay. What else in Exhibit 3 did you buy to</p> <p>12 eat?</p> <p>13 A. The bagels.</p> <p>14 Q. The Thomas" mini bagels?</p> <p>15 A. Correct.</p> <p>16 Q. The rest of the products in Exhibit 3, you</p> <p>17 bought to show to Mr. Gore, to discuss with him your</p> <p>18 confusion, correct?</p> <p>19 A. Exactly.</p> <p>20 Q. Do you have receipts for any of these</p> <p>21 products?</p> <p>22 A. No.</p> <p>23 Q. Do you know when you brought these products to</p> <p>24 Mr. Gore?</p> <p>25 A. When we met in January of 2013.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. Do you know when these pictures were taken?</p> <p>2 A. No, I have no idea.</p> <p>3 Q. And, again, you don't know who took the</p> <p>4 pictures?</p> <p>5 A. No.</p> <p>6 Q. Have you ever seen these pictures before?</p> <p>7 A. No.</p> <p>8 Q. How do you know these are pictures of products</p> <p>9 that you brought to Mr. Gore?</p> <p>10 A. I assume they are.</p> <p>11 Q. And you don't know that they are; they could</p> <p>12 just be other loaves of bread, correct?</p> <p>13 A. I suppose anything's possible, but I would</p> <p>14 trust that they are.</p> <p>15 Q. Why do you trust that they are?</p> <p>16 A. Because I brought them in.</p> <p>17 Q. I'm sorry?</p> <p>18 A. Because I brought them in.</p> <p>19 Q. You brought what in?</p> <p>20 A. The packages, the products.</p> <p>21 Q. Do you know where you brought this Sara Lee</p> <p>22 100 percent whole wheat bread that's on the front of</p> <p>23 Exhibit 3?</p> <p>24 A. No.</p> <p>25 Q. Do you know where you bought the Thomas" mini</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Any reason to believe it is not either of</p> <p>2 those things?</p> <p>3 A. I do not.</p> <p>4 Q. We already talked about the excellent source</p> <p>5 of whole grain.</p> <p>6 The second page of that set of pictures of the</p> <p>7 100 percent whole wheat bread is the nutrition facts</p> <p>8 and ingredients. You testified that when you purchased</p> <p>9 this bread, you did not look at this information. Is</p> <p>10 that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Third page is a close-up picture of the</p> <p>13 percent daily values, total fat, cholesterol, sodium,</p> <p>14 total carb- -- carbohydrate and dietary fiber, as well</p> <p>15 as part of the ingredient grid.</p> <p>16 Do you see that, and the ingredient list?</p> <p>17 A. I do.</p> <p>18 Q. Did you read any part of this information when</p> <p>19 you purchased the Sara Lee bread that you bought during</p> <p>20 your lifetime?</p> <p>21 A. No.</p> <p>22 Q. At the bottom there, ma'am, it says "soy</p> <p>23 lecithin." Do you know what soy lec- -- lecithin is?</p> <p>24 A. I do not.</p> <p>25 Q. Do you know what calcium propionate is?</p>
<p style="text-align: right;">Page 179</p> <p>1 bagels?</p> <p>2 A. No.</p> <p>3 Q. Do you know how much you paid for the Sara Lee</p> <p>4 bread?</p> <p>5 A. No.</p> <p>6 Q. Do you know how much you paid for the mini</p> <p>7 bagels?</p> <p>8 A. No.</p> <p>9 Q. The first page of Exhibit 3, the Sara Lee</p> <p>10 100 percent whole wheat bread depicts part of the front</p> <p>11 of the label.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Is this the part of the label that you</p> <p>15 testified you would have looked at when you purchased</p> <p>16 this bread?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know whether this bread is an excellent</p> <p>19 source of calcium?</p> <p>20 A. I do not know.</p> <p>21 Q. Do you know whether this bread is a good</p> <p>22 source of fiber?</p> <p>23 A. I do not know. Tells me it is.</p> <p>24 Q. And my question is, do you know whether it is?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 181</p> <p>1 A. No.</p> <p>2 Q. Do you know what ethoxylated mono and</p> <p>3 diglycerides are?</p> <p>4 A. No.</p> <p>5 Q. If you had known that this bread included</p> <p>6 calcium propionate, would you have bought the product?</p> <p>7 A. I don't know what it is, so I can't guess.</p> <p>8 Q. Do you know, if you knew whether this product</p> <p>9 contained ethoxylated mono and diglycerides, would you</p> <p>10 have bought the same product?</p> <p>11 A. Same answer.</p> <p>12 Q. The next picture is the side view of one of</p> <p>13 the sides of the bread, where it says "facts based on</p> <p>14 two slices of bread." Did you read this information</p> <p>15 before you purchased Sara Lee 100 percent whole wheat</p> <p>16 bread at any time?</p> <p>17 A. Excuse me.</p> <p>18 I probably noticed it because it's somewhat</p> <p>19 prominent. I didn't analyze it.</p> <p>20 Q. Okay. Do you know what part of the</p> <p>21 information that's provided here you read, if any?</p> <p>22 A. Probably I would have keyed in on the whole</p> <p>23 grain part.</p> <p>24 Q. And what about the whole grain part?</p> <p>25 A. Looks like a good number.</p>

<p style="text-align: right;">Page 182</p> <p>1 Q. Twenty-eight grams?</p> <p>2 A. It's a big number, yeah.</p> <p>3 Q. Do you see where it says "USDA recommends</p> <p>4 consuming 48 grams of whole grain every day"?</p> <p>5 A. No. Where is that?</p> <p>6 Q. Bottom of the last sentence of the text.</p> <p>7 A. Oh, no. Hmm-mm.</p> <p>8 Q. Are you with me?</p> <p>9 A. Yes, I'm with you.</p> <p>10 Q. I'm asking you whether you see that now.</p> <p>11 A. Oh, I do see it now. Yes. Sorry.</p> <p>12 Q. Do you -- do you know whether you would</p> <p>13 consider whether a product that provided more than half</p> <p>14 of the whole grain requirement -- daily whole grain</p> <p>15 requirement would be a good source of whole grain?</p> <p>16 A. I -- I can't say.</p> <p>17 Q. Do you know whether that would be an excellent</p> <p>18 source of whole grain?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know whether that would be a bad source</p> <p>21 of whole grain?</p> <p>22 A. I'm -- I don't know. I'm not a scientist.</p> <p>23 Q. Are you aware of any -- I'm sorry?</p> <p>24 A. I'm not a -- I don't know all the ins and outs</p> <p>25 of -- I'm not a scientist or a nutritionist.</p>	<p style="text-align: right;">Page 184</p> <p>1 you as a consumer, if something provided more than half</p> <p>2 of something, would you consider that to be an</p> <p>3 excellent source of that thing?</p> <p>4 MR. GORE: Same objection.</p> <p>5 THE WITNESS: My guess -- sorry. I can't</p> <p>6 speculate.</p> <p>7 BY MR. GOODMAN:</p> <p>8 Q. I'm asking -- not asking you to speculate.</p> <p>9 I'm asking your opinion, ma'am.</p> <p>10 A. My --</p> <p>11 Q. Do you have one?</p> <p>12 A. I don't really have an opinion on that.</p> <p>13 Q. So you don't have any understanding, as you</p> <p>14 sit here today, whether something that provides more</p> <p>15 than half of the daily allowance of something, would be</p> <p>16 an excellent source of that thing; is that correct?</p> <p>17 A. I think it would depend on what that thing was</p> <p>18 and how much a serving was and everything, and I'm not</p> <p>19 an expert.</p> <p>20 Q. Do you have any understanding if something</p> <p>21 provides half of the fiber required for a day, that</p> <p>22 would be an excellent source of fiber?</p> <p>23 A. Excellent is a very subjective term, so I</p> <p>24 can't -- I mean, in my mind, it is, but obviously there</p> <p>25 are guidelines, so I can't say.</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. Understood.</p> <p>2 But you're a consumer of -- of products,</p> <p>3 correct?</p> <p>4 A. Right.</p> <p>5 Q. And you said that you paid attention to the</p> <p>6 whole grain number, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you have any understanding that a product</p> <p>9 that provided 28 grams of whole grain on -- with</p> <p>10 respect to two slices of bread, was something that was</p> <p>11 a positive in your buying decision?</p> <p>12 A. It was a positive, like it should have been a</p> <p>13 positive.</p> <p>14 Q. Do you know whether this bread contains any</p> <p>15 amount of whole grain less than 28 grams per two</p> <p>16 slices?</p> <p>17 A. I don't know.</p> <p>18 Q. If something provided more than half of the</p> <p>19 daily allowance, would you consider that to be an</p> <p>20 excellent source of something?</p> <p>21 MR. GORE: Objection. Asked and answered.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: Again, I'm not a nutritionist.</p> <p>24 BY MR. GOODMAN:</p> <p>25 Q. I'm not asking you to be, ma'am. I'm asking</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. Just asking for what's in your mind,</p> <p>2 Ms. Streit. If something provided more than half the</p> <p>3 whole grain per serving of the daily recommended amount</p> <p>4 of whole grain, would that be an excellent source of</p> <p>5 whole grain in your mind?</p> <p>6 A. I don't know.</p> <p>7 Q. If something provided more than half of the</p> <p>8 calcium required for a day in one serving, would that</p> <p>9 be an excellent source of calcium, in your mind?</p> <p>10 A. Again, same thing. How much is a serving?</p> <p>11 How much do you have to consume? I don't know. I</p> <p>12 don't set the guidelines.</p> <p>13 Q. I'm not asking you, ma'am --</p> <p>14 A. Okay.</p> <p>15 Q. -- about the guidelines. I'm very clearly</p> <p>16 asking for your understanding. Okay?</p> <p>17 A. I'm sorry.</p> <p>18 Q. I'm asking for you to tell me, whether</p> <p>19 something provided in one serving half of the USDA</p> <p>20 recommended amount -- whether you would provide that --</p> <p>21 whether you would consider that to be an excellent</p> <p>22 source for that substance.</p> <p>23 A. If I thought the serving was a reasonable</p> <p>24 amount, I would probably say yes.</p> <p>25 Q. Are two slices of bread a reasonable amount?</p>

<p style="text-align: right;">Page 186</p> <p>1 A. I don't know. I wouldn't want to eat four 2 pieces of bread in a day, but that's personal. 3 Q. Okay. As a serving, ma'am, is two slices of 4 bread a reasonable amount for a serving? 5 MR. GORE: Objection. Argumentative. 6 MR. GOODMAN: I'm not arguing. I'm trying to 7 get her understanding. 8 THE WITNESS: I don't know. I mean, usually a 9 serving is one of something, so I... 10 BY MR. GOODMAN: 11 Q. When you serve sandwiches to your children, 12 did you use one piece of bread? 13 A. When all was said and done and you cut the 14 crusts off, probably. 15 Q. Ma'am, I'm asking whether you used one piece 16 of bread. This will go much faster if you just answer 17 the questions. 18 A. I know. I'm trying to say -- typically, no. 19 Typically, two pieces of bread will do. 20 Q. But when your children were -- how old were 21 they in 2009? 22 A. One was born in '93 and one was born in '96, 23 so 16 and 13. 24 Q. When they were 16 and 13, were you cutting the 25 crusts off their bread?</p>	<p style="text-align: right;">Page 188</p> <p>1 label before you purchased these products? 2 A. The front. 3 Q. Did you read any other part of the label? 4 A. The back, you mean? 5 Q. Any other part. 6 A. No. 7 Q. The front just says "Thomas" mini bagels, no 8 high fructose corn syrup," right? 9 A. Right. Well, I mean, yeah. 10 Q. Do you know how many bagels were in this bag? 11 A. I don't. 12 Q. The third picture in, there's the nutrition 13 facts and ingredient list. Did you read this 14 information before you purchased these bagels? 15 A. No. 16 Q. Is there any information on this ingredient 17 Exhibit 13t you believe is incorrect or improper? 18 A. I'm not a scientist. I -- I don't know what 19 half these things are, so -- other than the fact that 20 there's soy flour on it. 21 Q. Well, you don't know what soy flour is, 22 either, do you? You already testified about that. 23 So is there anything -- my question, ma'am, 24 was, do you know whether there's anything improper 25 about --</p>
<p style="text-align: right;">Page 187</p> <p>1 A. No. 2 Q. When they were 16 and 13, were you making them 3 sandwiches with one piece of bread? 4 A. Not typically. 5 Q. Were they making themselves sandwiches with 6 Exhibit 3ce of bread, to your knowledge? 7 A. Not typically. 8 Q. They would use two pieces of bread, correct? 9 A. Correct. 10 Q. The next set of pictures is the Thomas" mini 11 bagels. Do you know how many bagels were in this pack? 12 A. I don't. 13 Q. Do you know if these were plain bagels? 14 A. Yes. 15 Q. They were plain bagels? 16 A. Oh, wait. No, no, no. Wait. These look 17 plain, but they were the cinnamon -- do I have the 18 wrong picture? 19 Q. I'm looking at this -- this one that is second 20 in line, ma'am, which is the Thomas" mini bagels. 21 A. Yeah, these are -- these are plain. 22 Q. Okay. 23 A. Yes. Sorry. 24 Q. That was my -- that's just my question. 25 Do you know whether you read any part of this</p>	<p style="text-align: right;">Page 189</p> <p>1 A. No. 2 Q. -- the labeling on this package? 3 A. No. 4 Q. Do you know what riboflavin is? 5 A. No. 6 Q. If you knew that this product had riboflavin 7 in it, would you have bought it? 8 A. Since I don't know what it is, yes. 9 Q. Well, the first ingredient is unbleached 10 enriched wheat flour. Do you know what that is? 11 A. Not technically. 12 Q. If you knew that this product had unbleached 13 enriched wheat flour, would you have bought it? 14 A. Again, since I don't know exactly what it is, 15 yes. 16 Q. If you had known that this product contained 17 soy flour, would you have bought it? 18 A. All of these make up something that tastes 19 good. I don't -- if I knew an ingredient was 20 specifically listed that contradicted what was on the 21 front of the package, then I wouldn't have bought it on 22 principle. 23 Q. My question, ma'am, is with respect to this 24 product. Would you have bought this product if you had 25 known that it contained soy flour?</p>

<p style="text-align: right;">Page 190</p> <p>1 A. Same thing; no, not if I -- no, not if it was</p> <p>2 labeled something different on the front.</p> <p>3 Q. Is it labeled something different on the</p> <p>4 front, ma'am?</p> <p>5 A. Not in this picture. Can I see the bag? It</p> <p>6 looks different.</p> <p>7 Q. I'm asking about Exhibit 3, which was pictures</p> <p>8 <u>Exhibit 3</u>dly of the bags that you provided to Mr. Gore.</p> <p>9 Is there something on this bag that is contradicted by</p> <p>10 the inclusion of soy flour as an ingredient, in your</p> <p>11 opinion?</p> <p>12 A. Not in this picture.</p> <p>13 Q. So if you had known that this product had</p> <p>14 included soy flour, would you have bought this product?</p> <p>15 A. Based on these pictures? Yes.</p> <p>16 Q. The next set of pictures is for Sara Lee</p> <p>17 Classic 100 percent whole wheat. Do you know where you</p> <p>18 bought this --</p> <p>19 A. No.</p> <p>20 Q. -- product?</p> <p>21 Do you know how much you paid for it?</p> <p>22 A. No.</p> <p>23 Q. Do you know why you bought this product to</p> <p>24 give to Mr. Gore?</p> <p>25 A. To illustrate my confusion over the different</p>	<p style="text-align: right;">Page 192</p> <p>1 of whole grain, and the classic 100 -- classic</p> <p>2 100 percent whole wheat.</p> <p>3 Q. Do you -- do you have any reason to believe</p> <p>4 that one of these is better than the other one?</p> <p>5 A. Just the ex- -- the word "excellent" made me</p> <p>6 think would be better, but I don't know why.</p> <p>7 Q. If you look at the third picture of this -- of</p> <p>8 this set of pictures, the classic 100 percent whole</p> <p>9 wheat pictures, it says "100 percent whole grain,</p> <p>10 28 grams or more per serving."</p> <p>11 Do you know what that refers to?</p> <p>12 A. I can read it here and see that it refers to</p> <p>13 two -- two slices.</p> <p>14 Q. But do you know what that 28 grams or more per</p> <p>15 serving refers to?</p> <p>16 A. Of whole grain.</p> <p>17 Q. Per two slices of this bread?</p> <p>18 A. Correct.</p> <p>19 Q. And your confusion was that this said "good</p> <p>20 source of grain" and the other one said "excellent</p> <p>21 source"?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know whether 28 grams or more per</p> <p>24 serving of whole grains in two slices of bread is not a</p> <p>25 good source of whole grain?</p>
<p style="text-align: right;">Page 191</p> <p>1 things that are labeled whole wheat.</p> <p>2 Q. What were you confused about?</p> <p>3 A. Just what makes something different, being a</p> <p>4 hundred percent whole wheat versus an excellent source</p> <p>5 of whole grain, what's the difference.</p> <p>6 Q. Do you believe that something can be a</p> <p>7 hundred -- a hundred percent whole wheat and not an</p> <p>8 excellent source of grain?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know whether something can be</p> <p>11 100 percent whole wheat and a good source of whole</p> <p>12 grain?</p> <p>13 A. I don't know.</p> <p>14 Q. So I'm a little confused about your confusion.</p> <p>15 What was confusing about this set of labeling</p> <p>16 statements that's on the first page of the Sara Lee</p> <p>17 Classic 100 percent whole wheat picture that we're</p> <p>18 looking at as part of Exhibit 13?</p> <p>19 A. What would be one better than the other, I</p> <p>20 guess is my confusion.</p> <p>21 Q. What would make one better than the other one?</p> <p>22 A. One loaf of bread better than the other.</p> <p>23 Q. Which loaves of bread are you comparing,</p> <p>24 ma'am?</p> <p>25 A. The 100 percent whole wheat, excellent source</p>	<p style="text-align: right;">Page 193</p> <p>1 A. I don't know.</p> <p>2 Q. Did you buy any bread made by Sara Lee that</p> <p>3 claimed to be a good source of whole grain other than</p> <p>4 the loaf of bread that you bought to give to Mr. Gore?</p> <p>5 A. I don't know.</p> <p>6 Q. Did you bought -- buy any loaf of bread from</p> <p>7 Sara Lee that claimed to be an excellent source of</p> <p>8 whole grain other than the loaf of bread that's</p> <p>9 depicted on the first set of pictures in Exhibit 3?</p> <p>10 A. Do you mean other -- any other varieties or</p> <p>11 you mean any other packages of the same bread?</p> <p>12 Q. Any other Sara Lee products, packages of the</p> <p>13 same bread or different bread, that claim to be an</p> <p>14 excellent source of whole grain.</p> <p>15 A. I don't know if I bought any other products</p> <p>16 that say that, but I bought plenty of this bread.</p> <p>17 Q. When you said "this bread," you mean the</p> <p>18 hundred percent whole wheat --</p> <p>19 A. Both of them.</p> <p>20 Q. I'm sorry?</p> <p>21 A. Both of the -- the whole wheat breads.</p> <p>22 Q. But I just asked you, Ms. Streit, whether you</p> <p>23 bought any of the bread -- the classic 100 percent</p> <p>24 whole wheat bread that you claimed to be a good source</p> <p>25 of whole grain, and you said you didn't recall, okay,</p>

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<p>1 other than this one loaf that you gave to Mr. Gore.</p> <p>2 Are you now saying that you did buy --</p> <p>3 A. Oh, I thought --</p> <p>4 Q. You need to wait.</p> <p>5 Are you now saying that you did buy other</p> <p>6 loaves of Sara Lee Classic 100 percent whole wheat</p> <p>7 bread?</p> <p>8 A. Definitely.</p> <p>9 Q. Okay. Do you recall whether those loaves said</p> <p>10 that they were a good source of whole grain?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Why did you buy those loaves of bread</p> <p>13 as opposed to the ones that said "excellent source of</p> <p>14 whole grain"?</p> <p>15 A. I bought both through the years. I thought</p> <p>16 you were asking me if I bought another product that was</p> <p>17 labeled that way. I apologize for the...</p> <p>18 Q. Why did you buy -- once you found that there</p> <p>19 was an excellent source of whole grain, why did you buy</p> <p>20 the one that said it was a good source of whole grain?</p> <p>21 A. Not sure. May have been which store I was at.</p> <p>22 I don't know.</p> <p>23 Q. Did you buy any whole wheat bread that didn't</p> <p>24 have any claims with respect to a -- being a good or</p> <p>25 excellent source of whole grain during the time that</p>	<p>1 Q. The first page of the classic 100 percent</p> <p>2 whole wheat pictures shows a -- it says it's heart</p> <p>3 healthy. Do you have any reason to believe that this</p> <p>4 isn't heart healthy?</p> <p>5 A. No.</p> <p>6 Q. Do you have any reason to believe that this</p> <p>7 bread does not provide a good source of whole grain?</p> <p>8 A. Now I do.</p> <p>9 Q. What do you mean?</p> <p>10 A. Because you're asking -- you're asking what I</p> <p>11 think now.</p> <p>12 Q. Okay. I'm asking whether you have any reason</p> <p>13 to believe that this bread does not provide a good</p> <p>14 source of whole grain.</p> <p>15 MR. GORE: I'll object only to the extent --</p> <p>16 THE WITNESS: I'm so confused.</p> <p>17 MR. GORE: -- that your question calls for --</p> <p>18 THE WITNESS: Sorry.</p> <p>19 MR. GORE: -- communications protected by the</p> <p>20 attorney-client privilege.</p> <p>21 Otherwise, you may answer.</p> <p>22 THE WITNESS: I have come to find out that the</p> <p>23 claims are not entirely true.</p> <p>24 BY MR. GOODMAN:</p> <p>25 Q. Did you find that out from your lawyer?</p>
Page 195	Page 197
<p>1 you were buying these two types of bread?</p> <p>2 A. Could be.</p> <p>3 Q. What was the most common variety of whole</p> <p>4 wheat bread that you bought; not just Sara Lee, but any</p> <p>5 brand?</p> <p>6 A. It would have -- oh, you mean variety meaning</p> <p>7 whole wheat or white?</p> <p>8 Q. No. I mean what variety of whole wheat bread</p> <p>9 did you buy the most of?</p> <p>10 A. These.</p> <p>11 Q. What do you mean "these," ma'am?</p> <p>12 A. The hundred percent whole wheat.</p> <p>13 Q. And? You said "these." That -- that's --</p> <p>14 A. The -- both of these --</p> <p>15 Q. I'm asking --</p> <p>16 A. -- variations.</p> <p>17 Q. -- the one that you bought the most of?</p> <p>18 A. Oh, I don't know.</p> <p>19 Q. Okay. Did you buy any brand of bread more</p> <p>20 than you bought Sara Lee bread?</p> <p>21 A. No, I don't think so.</p> <p>22 Q. Do you have any receipts showing the purchase</p> <p>23 of any sliced bread product that you purchased in the</p> <p>24 last ten years?</p> <p>25 A. No.</p>	<p>1 A. Yes.</p> <p>2 Q. Did you find that out from any other source?</p> <p>3 A. No.</p> <p>4 Q. Do you know how the claims made, that it's a</p> <p>5 good source of whole grain, are not true? That's just</p> <p>6 a yes or no.</p> <p>7 A. No. It's getting too scientific.</p> <p>8 Q. Do you know whether this classic 100 percent</p> <p>9 whole wheat bread provides whole grains that are a --</p> <p>10 less than a good source?</p> <p>11 A. Specific whole grain, no.</p> <p>12 Q. Do you know if this is a poor source of whole</p> <p>13 grains?</p> <p>14 A. I do not know.</p> <p>15 Q. Do you know if it's an excellent source of</p> <p>16 whole grains?</p> <p>17 A. Again, don't know.</p> <p>18 Q. The next set of pictures is for a Boboli</p> <p>19 original crust. Can you keep these in order, please?</p> <p>20 A. Well, I pulled out the ones that are</p> <p>21 pertinent --</p> <p>22 Q. Yeah, I know.</p> <p>23 A. Sorry.</p> <p>24 Q. Can you put them back in order?</p> <p>25 A. Yes. Yes. Okay. I can do that. Okay. Got</p>

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<p>1 it.</p> <p>2 Q. All right.</p> <p>3 A. Okay.</p> <p>4 Q. Did you buy this product just to give it to</p> <p>5 Mr. Gore?</p> <p>6 A. It's not my product.</p> <p>7 Q. Okay. Have you ever bought a Boboli pizza</p> <p>8 crust?</p> <p>9 A. Probably when the kids were little.</p> <p>10 Q. Do you know whether there are any incorrect</p> <p>11 statements on this label?</p> <p>12 A. I have no idea.</p> <p>13 Q. Next one is a set of pictures of Bimbo toasted</p> <p>14 bread. Have you ever seen this before?</p> <p>15 A. No.</p> <p>16 Q. This is not your product?</p> <p>17 A. No.</p> <p>18 Q. Do you know whether there are any incorrect</p> <p>19 statements on this label?</p> <p>20 A. I do not know.</p> <p>21 Q. Are you familiar with this product at all?</p> <p>22 A. Actually, no.</p> <p>23 Q. Next one is a set of pictures of Thomas"</p> <p>24 bagel thins plain. Do you know where this product came</p> <p>25 from?</p>	<p>1 Lee Soft & Smooth made with 35 percent whole grain</p> <p>2 white. Do you recognize this product?</p> <p>3 A. It's not mine. I've seen it, but it's not</p> <p>4 mine.</p> <p>5 Q. Do you know what "made with 35 percent whole</p> <p>6 grain white" means?</p> <p>7 A. Absolutely no idea.</p> <p>8 Q. Does that indicate to you that this is not a</p> <p>9 hundred percent whole wheat bread?</p> <p>10 A. Yes. That's what I would assume.</p> <p>11 Q. If you saw an ingredient, enriched bleach</p> <p>12 flour, would you believe that that product was a</p> <p>13 hundred percent whole wheat?</p> <p>14 A. I wouldn't have an interpretation of that.</p> <p>15 Q. The last set of pictures is a Softees family</p> <p>16 pack. Is this your product?</p> <p>17 A. Yes.</p> <p>18 Q. And there's a box sitting next to Mr. Gore</p> <p>19 which he has been carting in and out of this room all</p> <p>20 day. Have you -- is that the same box, to your</p> <p>21 knowledge, as the one that you gave to him?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know what happened to the donuts?</p> <p>24 A. No.</p> <p>25 Q. You bought this box of donuts just to give to</p>
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<p>1 A. No.</p> <p>2 Q. Is this your product?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether there is anything</p> <p>5 incorrect on the labeling of this product?</p> <p>6 A. I do not.</p> <p>7 Q. Turning your attention to the second page of</p> <p>8 that set of pictures, the Thomas" bagel thins --</p> <p>9 A. Okay.</p> <p>10 Q. -- if you were to look at this label, what</p> <p>11 part of the label would you look at as a consumer?</p> <p>12 A. Well, I would obviously see the 110 calories</p> <p>13 first.</p> <p>14 Q. Anything else that you'd look at?</p> <p>15 A. I don't know, if it was in front of me. It's</p> <p>16 clearly blown up, so in real life, I can't say. If I</p> <p>17 were looking at it, if somebody said read it, I would</p> <p>18 see the 0 grams of trans fat, I would see all the</p> <p>19 pertinent highlights, if you will, of the product.</p> <p>20 Q. The ones in the white box?</p> <p>21 A. Correct.</p> <p>22 Q. Would you read any other part of this label as</p> <p>23 a consumer?</p> <p>24 A. Probably not.</p> <p>25 Q. Next set of pictures is Soft & Smooth, Sara</p>	<p>1 Mr. Gore, correct?</p> <p>2 A. At my own -- yes, on my own.</p> <p>3 Q. And you don't have any receipt for this</p> <p>4 product either?</p> <p>5 A. No.</p> <p>6 Q. When you bought Softees, did you buy the</p> <p>7 family pack?</p> <p>8 A. You mean traditionally?</p> <p>9 Q. Ever.</p> <p>10 A. Or -- sure.</p> <p>11 Q. What other varieties of Softees did you buy?</p> <p>12 A. I don't know.</p> <p>13 Q. How do you know you bought the family pack?</p> <p>14 A. Because this one is the family pack and it's</p> <p>15 the box I recognize.</p> <p>16 Q. Do you know whether Softees come in different</p> <p>17 boxes?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know whether all Softees have the</p> <p>20 "baked fresh daily"?</p> <p>21 A. I don't know. These are just the ones that I</p> <p>22 would buy, so it's like the right size and...</p> <p>23 Q. With respect to the waxy chocolate donuts, did</p> <p>24 the fact that they were not baked fresh daily prevent</p> <p>25 you from buying them?</p>

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<p>1 A. No. There was not that expectation with</p> <p>2 those.</p> <p>3 Q. Do you know whether any other donuts -- brand</p> <p>4 <u>Exhibit 4</u> onuts sold in a store are baked fresh daily?</p> <p>5 A. I don't know.</p> <p>6 Q. Do you know whether any brand bakery goods</p> <p>7 sold in a store are bake -- baked fresh daily?</p> <p>8 <u>Exhibit 4</u> Brand bakery goods, meaning outside of the</p> <p>9 internal bakery within the store?</p> <p>10 Q. Yes, ma'am.</p> <p>11 A. I do not know.</p> <p>12 Q. Have you ever sought out any brand bakery</p> <p>13 goods -- those are brands that are outside of the store</p> <p>14 brand -- that say "baked fresh daily" on them?</p> <p>15 A. Not specifically.</p> <p>16 Q. Other than the labels that you just identified</p> <p>17 in these pictures, have you provided or do you have in</p> <p>18 your possession, custody or control, any other</p> <p>19 packaging related to Bimbo Bakeries products?</p> <p>20 A. No.</p> <p>21 Q. Other than the products that you purchased and</p> <p>22 gave to Mr. Gore, did you ever purchase any Bimbo</p> <p>23 Bakeries products that you did not actually use as a</p> <p>24 consumer?</p> <p>25 A. Not that I know of. And let me clarify one</p>	<p>1 Q. Okay. What products have you bought for the</p> <p>2 purpose of not -- for their not to be consumed?</p> <p>3 A. I actually don't know specifically, but I</p> <p>4 brought in a few more things that I had questions about</p> <p>5 just to show to -- to Pierce.</p> <p>6 Q. What things did you bring in to show Pierce?</p> <p>7 A. I don't know. I don't know.</p> <p>8 Q. Do you know whether they were -- was it bread?</p> <p>9 A. Yes. The bread aisle was my area of</p> <p>10 confusion.</p> <p>11 Q. Do you know who made those bread items?</p> <p>12 A. I don't.</p> <p>13 Q. Do you know what they were called?</p> <p>14 A. No.</p> <p>15 Q. Do you know when you bought them?</p> <p>16 A. I'm sorry, no. It was a long time ago and</p> <p>17 I -- it was just to get --</p> <p>18 Q. Do you know how many there were that you</p> <p>19 bought and gave to Mr. Gore, other than the ones we've</p> <p>20 already looked at?</p> <p>21 A. No.</p> <p>22 Q. But you're sure that there were additional</p> <p>23 items that you bought?</p> <p>24 A. Yes.</p> <p>25 Q. Other than those items that you bought and</p>
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<p>1 thing: Bimbo -- I don't know what -- I -- when I</p> <p>2 bought this, I didn't know who Bimbo was. It -- to me,</p> <p>3 it's Sara Lee. So not knowingly.</p> <p>4 Q. Okay. Well, have you ever bought any food</p> <p>5 products, bakery products that you did not consume, as</p> <p>6 opposed to just -- as opposed to giving them to</p> <p>7 somebody for some other use other than to -- for them</p> <p>8 to eat it?</p> <p>9 A. That I did not consume?</p> <p>10 Q. Yeah. I'm not -- let me be clear. You bought</p> <p>11 some of the products in these pictures just to give it</p> <p>12 to your lawyer; not to -- for him to consume them, but</p> <p>13 to -- to use them for another purpose.</p> <p>14 A. That was my -- well, I don't know what</p> <p>15 purpose. I brought them to show --</p> <p>16 Q. If you could wait for me to ask the question.</p> <p>17 A. Sorry.</p> <p>18 Q. And you can answer the answer the question</p> <p>19 that I'm asking.</p> <p>20 A. Okay.</p> <p>21 Q. Have you ever bought any product -- any bakery</p> <p>22 products, whether from Bimbo or anybody else, that were</p> <p>23 not bought for the purpose of consuming them, eating</p> <p>24 them?</p> <p>25 A. Yes.</p>	<p>1 gave to Mr. Gore, have you ever bought any bakery</p> <p>2 products that you did not buy for them to be consumed</p> <p>3 by somebody?</p> <p>4 A. No.</p> <p>5 MR. GOODMAN: Mark that next, please.</p> <p>6 (Streit Deposition Exhibit 4 was marked.)</p> <p>7 MR. GORE: Thank you.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 BY MR. GOODMAN:</p> <p>10 Q. Ms. Streit, I have marked as Exhibit 4 your</p> <p>11 responses to defendant's first set of interrogatories.</p> <p>12 Do you recognize these documents?</p> <p>13 A. Yes.</p> <p>14 Q. Or this document, I should say.</p> <p>15 In your response to Interrogatory No. 8, you</p> <p>16 identify club membership.</p> <p>17 A. What page?</p> <p>18 Q. Pages 8 and 9, ma'am.</p> <p>19 A. Okay. Yes.</p> <p>20 Q. Do you know what your Safeway account number</p> <p>21 is?</p> <p>22 A. It's my phone number, so, no, I don't know.</p> <p>23 Q. Okay. Is your Safeway account still active?</p> <p>24 A. Yes.</p> <p>25 Q. During what time period was your Safeway</p>

<p style="text-align: right;">Page 206</p> <p>1 Exhibit 5 active? When did you start it?</p> <p>2 A. When I moved, so 2004.</p> <p>3 Q. It's always been under your phone number since</p> <p>4 Exhibit 5</p> <p>5 A. To my knowledge, yes.</p> <p>6 Q. Your Costco account, you say in here it's on</p> <p>7 your parents' account. Is that correct?</p> <p>8 A. Yes, it is.</p> <p>9 Q. Have you ever had your own Costco account?</p> <p>10 A. No.</p> <p>11 Q. Do you know what your parents' account number</p> <p>12 is?</p> <p>13 A. I have no idea.</p> <p>14 Q. Do you know what your Raley's/Nob Hill account</p> <p>15 number is?</p> <p>16 A. No. I don't know if they still do it. I just</p> <p>17 always use my phone number, so I don't know.</p> <p>18 Q. Do you know if you still have a Raley's/Nob</p> <p>19 Hill account?</p> <p>20 A. I should. It should all be tied to my number.</p> <p>21 Q. Do you know when that account was opened?</p> <p>22 A. Probably the same time.</p> <p>23 Q. 2004?</p> <p>24 A. I would assume, yes.</p> <p>25 Exhibit 5 What about the -- that says -- this says</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Was that also started in 2004?</p> <p>2 A. Yes.</p> <p>3 Q. In the next response interrogatory, you</p> <p>4 identify coupons from the Sunday newspaper inserts,</p> <p>5 including the San Jose Mercury News. What other coupon</p> <p>6 Sunday newspaper inserts did you obtain coupons from?</p> <p>7 A. None.</p> <p>8 Q. Do you recall what coupons you've used?</p> <p>9 A. No.</p> <p>10 Q. Do you recall ever obtaining coupons for any</p> <p>11 Sara Lee products?</p> <p>12 A. Not specifically. I could have.</p> <p>13 Q. Of course you could have. Do you recall, as</p> <p>14 you sit here today, using any coupons for any Sara Lee</p> <p>15 products?</p> <p>16 A. No.</p> <p>17 Q. How about for Thomas' products? Did you use</p> <p>18 any coupons for those products?</p> <p>19 A. Again, specifically, no.</p> <p>20 Q. Do you recall using coupons for any</p> <p>21 Entenmann's products?</p> <p>22 A. No.</p> <p>23 Q. Did you use coupons for bakery products at any</p> <p>24 time in your life?</p> <p>25 A. You don't see bakery coupons very often, so I</p>
<p style="text-align: right;">Page 207</p> <p>1 Abertsons, but I assume that means Albertsons.</p> <p>2 A. How weird. Mine's right. It says Albertsons.</p> <p>3 Q. Okay. Can I see yours?</p> <p>4 A. Sure.</p> <p>5 MR. GORE: You're looking at two different</p> <p>6 things.</p> <p>7 THE WITNESS: Oh, we're looking at two</p> <p>8 different things?</p> <p>9 MR. GORE: Yeah. Mark is looking on page 9.</p> <p>10 THE WITNESS: Oh, sorry. Okay.</p> <p>11 MR. GORE: Where it says --</p> <p>12 Exhibit 5 GOODMAN:</p> <p>13 Q. I said page 9.</p> <p>14 A. Sorry. Yes.</p> <p>15 MR. GOODMAN: Thanks, Pierce.</p> <p>16 BY MR. GOODMAN:</p> <p>17 Q. So that means Albertsons. Let's just cut to</p> <p>18 that.</p> <p>19 Exhibit 6 Yes.</p> <p>20 Q. Do you still have that card?</p> <p>21 Exhibit 6 I would assume. I haven't shopped there in a</p> <p>22 while, though, so I don't know how long until they</p> <p>23 purge their system, if you will.</p> <p>24 Q. Is that also under your phone number?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 209</p> <p>1 don't recall specifically any. Dog food.</p> <p>2 MR. GOODMAN: That's for you.</p> <p>3 (Streit Deposition Exhibit 5 was marked.)</p> <p>4 THE WITNESS: Thank you.</p> <p>5 BY MR. GOODMAN:</p> <p>6 Q. Exhibit 5 is a verification to the</p> <p>7 interrogatory responses we just saw. Do you recognize</p> <p>8 this document?</p> <p>9 A. Yep. Yes.</p> <p>10 Q. What did you do to verify the accuracy of the</p> <p>11 interrogatory responses?</p> <p>12 A. I read it.</p> <p>13 Q. Okay. When did you read it?</p> <p>14 A. When I what?</p> <p>15 Q. Is that a trick question? When did you --</p> <p>16 A. Oh, when. I thought you said where.</p> <p>17 When it was provided to me.</p> <p>18 Q. I'm asking for a date. I don't know when it</p> <p>19 was provided to you.</p> <p>20 A. It was like 2014.</p> <p>21 What? It was March of 2014, right? Is it</p> <p>22 dated there?</p> <p>23 Q. Your verification is dated December 12, 2013.</p> <p>24 Does that give you any clue?</p> <p>25 A. Am I giving -- I'm referring to the wrong</p>

<p style="text-align: right;">Page 210</p> <p>1 document.</p> <p>2 Q. Ma'am, I just marked as Exhibit 5 the</p> <p>3 verification to your interrogatory responses. My</p> <p>4 question -- I asked you what you did to verify the</p> <p>5 Exhibit 7es. You said you read them.</p> <p>6 A. Right.</p> <p>7 Exhibit 7 I'm asking when you read them.</p> <p>8 A. Well, it must have been December of 2013. I'm</p> <p>9 sorry. I'm thinking of the wrong document.</p> <p>10 Q. Do you recall, as you sit here today, you</p> <p>11 reviewing your responses in December of 2013, or are</p> <p>12 you just assuming based --</p> <p>13 A. No.</p> <p>14 Q. -- on Exhibit 5?</p> <p>15 A. I definitely recall, because I found typos.</p> <p>16 Q. Did you make changes to the interrogatory</p> <p>17 Exhibit 7es other than typographical?</p> <p>18 A. I don't believe so.</p> <p>19 MR. GORE: Thank you.</p> <p>20 THE WITNESS: Thanks.</p> <p>21 Exhibit 8 (Streit Deposition Exhibit 6 was marked.)</p> <p>22 BY MR. GOODMAN:</p> <p>23 Exhibit 8 Exhibit 6 is your responses to defendant's</p> <p>24 first set of requests for production of documents.</p> <p>25 Do you recognize this document?</p>	<p style="text-align: right;">Page 212</p> <p>1 Did you -- do you know whether you have any</p> <p>2 Exhibit 8ts relating to bagel purchases that you've made?</p> <p>3 A. You mean like receipts?</p> <p>4 Q. Any documents, ma'am. Receipts --</p> <p>5 Exhibit 9 No.</p> <p>6 Exhibit 9 -- advertisements, coupons, anything.</p> <p>7 A. No.</p> <p>8 Exhibit 9 Other than the labels that you gave --</p> <p>9 A. Other than the -- correct.</p> <p>10 Q. Let me finish.</p> <p>11 Other than the labels that you gave to</p> <p>12 Mr. Gore that we already looked at, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. The response to No. 20 --</p> <p>15 A. Can you give me a page number, please?</p> <p>16 Q. Yeah. Eleven and 12.</p> <p>17 A. Thank you.</p> <p>18 Q. On page 12, it states, "Moreover, the second</p> <p>19 amended complaint does not allege that plaintiff</p> <p>20 purchased any product with a label stating that it is</p> <p>21 an excellent or good source of fiber."</p> <p>22 Have you ever purchased any product that</p> <p>23 stated that it was an excellent or good source of</p> <p>24 fiber, to your knowledge?</p> <p>25 A. I'm confused. Have I ever purchased any</p>
<p style="text-align: right;">Page 211</p> <p>1 A. Yes.</p> <p>2 Q. When was the first time you saw this document?</p> <p>3 A. I don't know. Oh, my gosh. I don't remember.</p> <p>4 Q. Did you review these responses before they</p> <p>5 were served --</p> <p>6 A. I reviewed --</p> <p>7 Q. -- to your knowledge?</p> <p>8 A. -- everything I was given, yes.</p> <p>9 Q. Do you know whether you were given these</p> <p>10 before they were served, ma'am?</p> <p>11 A. I must have.</p> <p>12 Q. Did you make any changes to these responses?</p> <p>13 A. I don't believe so.</p> <p>14 Q. Do you know whether you have any documents</p> <p>15 that are responsive to any of these requests, other</p> <p>16 Exhibit 8e labels that you gave to Mr. Gore and some</p> <p>17 receipts that we'll go over in a couple of minutes?</p> <p>18 A. Do I have any other documents?</p> <p>19 Q. Yes.</p> <p>20 A. No.</p> <p>21 Q. Request No. 4 asks for documents relating to</p> <p>22 bagel products that you or any member of your household</p> <p>23 purchased. And your response was that the second</p> <p>24 amended complaint does not allege that you purchased</p> <p>25 any bagel product.</p>	<p style="text-align: right;">Page 213</p> <p>1 product? I'm sure I have.</p> <p>2 Q. Do you have any documents relating to any of</p> <p>3 those products?</p> <p>4 A. No, other than the packaging.</p> <p>5 MR. GOODMAN: Seven?</p> <p>6 THE COURT REPORTER: Yes.</p> <p>7 (Streit Deposition Exhibit 7 was marked.)</p> <p>8 Exhibit 9GOODMAN:</p> <p>9 Q. Exhibit 7 is your supplemental responses to</p> <p>10 defendant's first set of interrogatories.</p> <p>11 Have you ever seen this document before?</p> <p>12 A. I'm sure I reviewed it, yes.</p> <p>13 Q. Do you know why the information contained in</p> <p>14 these supplemental responses was not provided in the</p> <p>15 first responses that we looked at?</p> <p>16 A. I'm not a legal expert, so no.</p> <p>17 Q. Just asking whether you know, ma'am.</p> <p>18 What did you do to verify the accuracy of the</p> <p>19 information contained in Exhibit 7?</p> <p>20 A. I read it.</p> <p>21 Q. Did you do anything else?</p> <p>22 A. I -- no.</p> <p>23 (Streit Deposition Exhibit 8 was marked.)</p> <p>24 BY MR. GOODMAN:</p> <p>25 Q. Exhibit 8 is your supplemental responses to</p>

<p style="text-align: right;">Page 214</p> <p>1 defendant's first set of requests for production of</p> <p>2 documents.</p> <p>3 Do you recognize these doc- -- this document?</p> <p>4 A. They're all looking the same. Yes.</p> <p>5 Q. Do you recall reviewing this document, ma'am,</p> <p>6 any time prior to today?</p> <p>7 A. This looks the same as the previous one.</p> <p>8 Q. Well, I'll represent to you, ma'am, that the</p> <p>9 previous one was not a supplemental response to</p> <p>10 requests for production of documents.</p> <p>11 A. I -- I'm -- I don't know the difference.</p> <p>12 Q. Okay. Do you know why the information</p> <p>13 contained in the supplemental response was not</p> <p>14 contained in the initial response?</p> <p>15 A. No.</p> <p>16 Q. Do you know what you did, if anything, to</p> <p>17 determine whether the information contained in</p> <p>18 Exhibit 8 was true and correct?</p> <p>19 Exhibit 9 If I did it, I would have just read it.</p> <p>20 Q. Do you recall whether you did anything else?</p> <p>21 A. No.</p> <p>22 Q. And as you sit here today, you don't recall</p> <p>23 reading that document, correct?</p> <p>24 A. I -- honestly, I'm getting so confused with</p> <p>25 all these documents, so I'm -- and I want to be</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. Where did these receipts come from?</p> <p>2 A. From me, from the bottoms of shopping bags and</p> <p>3 purses and...</p> <p>4 Q. How did you happen to have these particular</p> <p>5 receipts?</p> <p>6 A. I can't say which -- why I had which ones.</p> <p>7 Q. Have you done a search for any other receipts?</p> <p>8 A. Not recently.</p> <p>9 Q. Have you ever undertaken a search for receipts</p> <p>10 other than the ones that you've produced, Exhibit 9?</p> <p>11 A. If I was looking for something to return or if</p> <p>12 I needed a receipt for some reason, yes.</p> <p>13 Q. I'm talking about in connection with this</p> <p>14 litigation.</p> <p>15 A. No.</p> <p>16 Q. Did you ever ask your credit card company for</p> <p>17 any statements relating to purchases that you made</p> <p>18 between 2009 and 2012 in relation to this litigation?</p> <p>19 A. No.</p> <p>20 Q. Did you ever ask any of the stores, from which</p> <p>21 you've purchased your groceries, for any statements of</p> <p>22 purchases that they may have relating to food purchases</p> <p>23 between 2009 and 2012?</p> <p>24 A. No.</p> <p>25 Q. Where did you look for receipts in connection</p>
<p style="text-align: right;">Page 215</p> <p>1 truthful and I don't know what's what anymore.</p> <p>2 Q. I appreciate that.</p> <p>3 A. It's a big pile.</p> <p>4 Q. Going to Exhibit 8, ma'am.</p> <p>5 A. If I signed it, I reviewed it, I guarantee</p> <p>6 that.</p> <p>7 THE COURT REPORTER: This is Exhibit 9.</p> <p>8 (Streit Deposition Exhibit 9 was marked.)</p> <p>9 BY MR. GOODMAN:</p> <p>10 Q. Exhibit 9 is a collection of documents Bates</p> <p>11 stamped LS 0001 through '31.</p> <p>12 A. Okay.</p> <p>13 Q. Do you recognize these documents, Ms. Streit?</p> <p>14 A. Yes.</p> <p>15 Q. What are these documents?</p> <p>16 A. Receipts I provided.</p> <p>17 Q. Provided to whom?</p> <p>18 A. To the office here, to Pierce.</p> <p>19 Q. When did you do that?</p> <p>20 A. Whenever I was asked to.</p> <p>21 Q. Do you recall when you were asked to,</p> <p>22 Ms. Streit?</p> <p>23 A. I do not know the date.</p> <p>24 Q. Do you remember the month?</p> <p>25 A. No, I do not.</p>	<p style="text-align: right;">Page 217</p> <p>1 with this litigation, other than your purse or the</p> <p>2 bottom of shopping bags?</p> <p>3 A. In my car, in drawers and every other place</p> <p>4 papers get shoved.</p> <p>5 Q. In your house?</p> <p>6 A. Yes.</p> <p>7 MR. GORE: Objection.</p> <p>8 BY MR. GOODMAN:</p> <p>9 Q. Did you ask your children if they had any</p> <p>10 receipts?</p> <p>11 A. No.</p> <p>12 Q. Since they do the shopping -- strike that.</p> <p>13 Since 2008, has anyone done any shopping for</p> <p>14 your household other than you? Grocery shopping.</p> <p>15 A. Not really.</p> <p>16 Q. Has anybody done any shopping whatsoever,</p> <p>17 other than you, grocery shopping for your household?</p> <p>18 A. Nothing other than picking up a quart of milk</p> <p>19 or something like that.</p> <p>20 Q. The second Trader Joe's receipt on the first</p> <p>21 page of Exhibit 9 of the left-hand side, I can't read</p> <p>22 that. Can you tell me what that says?</p> <p>23 A. That one, I can't read it either. It looks</p> <p>24 like the first one probably says "half gallon," but I</p> <p>25 don't know.</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. Okay. The Trader Joe's receipt on the right</p> <p>2 side of the first page --</p> <p>3 A. Yes.</p> <p>4 Q. -- it says "TJ's crumbled gorgonzola." Do you</p> <p>5 know what the ingredients of that product are?</p> <p>6 A. It's cheese, gorgonzola cheese.</p> <p>7 Q. I understand what gorgonzola is. Do you know</p> <p>8 what the ingredients are?</p> <p>9 A. I would assume all gorgonzola. I don't know</p> <p>10 if there's anything added.</p> <p>11 Q. Is gorgonzola an ingredient, to your</p> <p>12 knowledge?</p> <p>13 A. It's a cheese.</p> <p>14 Q. I understood, ma'am.</p> <p>15 Do you know whether it's an ingredient?</p> <p>16 A. If it were put into something else, then it</p> <p>17 would be an ingredient.</p> <p>18 Q. Fair enough.</p> <p>19 Do you know what gorgonzola cheese is made out</p> <p>20 of?</p> <p>21 A. No.</p> <p>22 Q. Do you know what TJ's crumbled gorgonzola</p> <p>23 cheese is made out of?</p> <p>24 A. No.</p> <p>25 Q. Do you know what brand of hummus you had</p>	<p style="text-align: right;">Page 220</p> <p>1 A. I have no idea.</p> <p>2 Q. Next item is "torta dried tomato basil pesto."</p> <p>3 Do you know what that is?</p> <p>4 A. It's a little torta in a plastic container</p> <p>5 that has things lay- -- layered in it: Tomato, basil.</p> <p>6 Q. Do you know what the ingredients in that torta</p> <p>7 are?</p> <p>8 A. Tomato, basil, and pesto is all I'm sure of.</p> <p>9 Q. What's in the pesto?</p> <p>10 A. Basil.</p> <p>11 Q. And?</p> <p>12 A. And probably an oil and a garlic. I mean, I'm</p> <p>13 guessing.</p> <p>14 Q. I don't want you to guess, ma'am.</p> <p>15 A. Okay.</p> <p>16 Q. I'm asking whether you know what the</p> <p>17 ingredients are in that torta?</p> <p>18 A. No, no.</p> <p>19 Q. Okay. Do you know what the ingredients are in</p> <p>20 the popcorn cocoa drizzled kettle --</p> <p>21 A. Kettle corn.</p> <p>22 Q. Do you know what the ingredients are of that</p> <p>23 kettle corn?</p> <p>24 A. Popcorn and drizzled chocolate.</p> <p>25 Q. Okay. Do you know that -- whether there were</p>
<p style="text-align: right;">Page 219</p> <p>1 purchased at Trader Joe's?</p> <p>2 A. It's, I believe, their own brand.</p> <p>3 Q. Okay. Do you know what's -- what the</p> <p>4 ingredients of that hummus are?</p> <p>5 A. Other than garbanzo beans, I do not know.</p> <p>6 Q. Do you know what the ingredients are in TJ's</p> <p>7 water crackers?</p> <p>8 A. No. Just flour and water. I don't know what</p> <p>9 else.</p> <p>10 Q. Do you know if there is flour in TJ's water</p> <p>11 crackers?</p> <p>12 A. I believe there is.</p> <p>13 Q. Did you read the ingredients to determine</p> <p>14 that?</p> <p>15 A. No. It's just water crackers.</p> <p>16 Q. Ma'am, I'm asking --</p> <p>17 A. No.</p> <p>18 Q. -- you whether you have read the ingredients.</p> <p>19 A. No.</p> <p>20 Q. So you're just assuming there's flour in it</p> <p>21 because it's a cracker, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. The one -- the Trader Joe's receipt on</p> <p>24 the right of the second page says "crackers brioche</p> <p>25 toasts." Do you know what that is?</p>	<p style="text-align: right;">Page 221</p> <p>1 any other ingredients besides the ingredients that</p> <p>2 you're looking at from the title of the product?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Do you know if there is any cocoa in</p> <p>5 the product?</p> <p>6 A. I would assume there is.</p> <p>7 Q. I'm not asking you to assume --</p> <p>8 A. Oh.</p> <p>9 Q. -- anything. I'm asking what you know.</p> <p>10 A. Excuse me. Yes.</p> <p>11 Q. You know that there is?</p> <p>12 A. It says that there is, so yes.</p> <p>13 Q. And you know it says there is on your receipt,</p> <p>14 correct?</p> <p>15 A. Cocoa, yes.</p> <p>16 Q. Did you read the ingredient list?</p> <p>17 A. No.</p> <p>18 Q. Why didn't you read the ingredient list?</p> <p>19 A. It's a treat.</p> <p>20 Q. It's one of those things that you don't read</p> <p>21 the ingredient list for?</p> <p>22 A. Yes.</p> <p>23 Q. Why didn't you read the ingredient list on the</p> <p>24 torta?</p> <p>25 A. Because it's very clearly fresh and, again, a</p>

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1 **treat.**

2 Q. What do you mean "it's very clearly fresh"?

3 **A. You can see what's in it. You can see the**

4 **ingredients.**

5 Q. You can see the ingredients?

6 **A. It's clear. Yeah, the packaging is all clear,**

7 **so you can see the layers of all the stuff.**

8 Q. Okay. What stuff is in it, since you can see

9 it?

10 **A. Well, if I was standing in front of it, I**

11 **could identify everything, probably. But it's got the**

12 **pesto. It's got a layer of tomatoes.**

13 Q. Okay. And you've already said you don't know

14 what's in the pesto, right? What's in the tomatoes?

15 **A. I -- they're ground -- they're sun-dried,**

16 **ground-up tomatoes.**

17 Q. Are they seasoned?

18 **A. Probably.**

19 Q. With what?

20 **A. I don't know.**

21 Q. Okay. What else?

22 **A. I don't know.**

23 Q. Do you know any of the ingredients in the

24 torta?

25 **A. If it was in front of me, I could probably**

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1 **tell you some of them.**

2 Q. Well, because you'd be able to read the label.

3 **A. No, no. I could see it by looking at the**

4 **layers.**

5 Q. Right.

6 Ma'am, I'm asking you what the ingredients

7 are, not what it's -- the layers are, okay? Do you

8 know what the ingredients of the torta are?

9 **A. Can I list all of the ingredients, no, but I**

10 **can tell you some of the primary ingredients.**

11 Q. Okay. Why didn't you look at what the -- all

12 the ingredients were in the torta?

13 **A. I wasn't buying it to be healthy.**

14 Q. Okay. Do you know what brand of white

15 tortilla rounds you bought from Trader Joe's?

16 **A. Probably Trader Joe's brand.**

17 Q. Do you know what the ingredients of that are?

18 **A. Not looking at this, I don't know if they were**

19 **corn or white, but they would have been one of the two.**

20 Q. Okay. Other than corn or white tortillas, do

21 you know what ingredients were in that product?

22 **A. No.**

23 Q. Do you know whether that product had soy in

24 it?

25 **A. I seriously doubt it, but I don't know.**

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1 Q. Why do you seriously doubt it?

2 **A. I just think that would be weird.**

3 Q. Why?

4 **A. Because tortilla chips are usually -- are just**

5 **tortilla chips. It just doesn't even make sense to me,**

6 **so I wouldn't...**

7 Q. What are tortilla chips made out of, to your

8 knowledge?

9 **A. Ground corn, white corn or yellow corn flour,**

10 **and whatever makes them hard. I --**

11 Q. What makes them hard?

12 **A. They get baked. Hopefully baked and not**

13 **fried.**

14 Q. Okay. So to your knowledge, tortilla chips

15 are made out of ground corn and they're baked?

16 **A. That's my preference. I'm sure --**

17 Q. Okay. Is there anything else in a tortilla

18 chip, to your knowledge?

19 **A. Salt.**

20 Q. Anything else?

21 **A. I do not know.**

22 Q. And you wouldn't know because you never read

23 the ingredient list on that product, correct?

24 **A. Probably not.**

25 Q. Probably not correct?

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1 **A. No. That's probably true. Again, I wouldn't**

2 **be buying those to be healthy.**

3 Q. Okay. On page 3, there is a reference to a

4 "seed/plain par-baked batard." See that?

5 **A. Yes -- no, I don't see it, but I know what**

6 **you're referring to.**

7 Q. Okay. Do you know what the ingredients of

8 that product are?

9 **A. Where is it.**

10 Q. It's on the right-hand side of page 3.

11 **A. Okay. That's the one I mentioned earlier.**

12 **When I buy the baguette with -- the seeded baguette,**

13 **that's what that is. So it's a French baguette-type**

14 **product with fresh seeds on the outside.**

15 Q. And you testified you didn't know what was in

16 that product before, correct?

17 **A. Not in -- specifically in the making of it,**

18 **but I can see the stuff on the outside.**

19 Q. The seeds?

20 **A. Yes.**

21 Q. Right. But you don't know what the

22 ingredients of the product are, correct?

23 **A. No, and I don't believe it's labeled.**

24 Q. This same receipt refers to "salsa cowboy

25 caviar." Do you know what that is?

<p style="text-align: right;">Page 226</p> <p>1 A. Yes.</p> <p>2 Q. What is that?</p> <p>3 A. It's a jarred product with black beans, corn,</p> <p>4 tomatoes, seasoning, spices. It's a dip-type thing.</p> <p>5 Q. Do you know what spices are in that?</p> <p>6 A. No.</p> <p>7 Q. Do you know what preservatives are in that?</p> <p>8 A. No.</p> <p>9 Q. Do you know what coloring is in that?</p> <p>10 A. No.</p> <p>11 Q. You didn't read the ingredient list, correct?</p> <p>12 A. Again, it's a -- it's a dip. It's -- it's</p> <p>13 a -- what's the word? Like for a party.</p> <p>14 Q. I'm just asking --</p> <p>15 A. Okay.</p> <p>16 Q. -- if you read the ingredient list,</p> <p>17 Ms. Streit.</p> <p>18 A. Yeah, no. No.</p> <p>19 Q. Thank you.</p> <p>20 Next receipt on that same page, down on the</p> <p>21 lower right, it says "pizza dough regular." Do you</p> <p>22 know what ingredients that was made out of?</p> <p>23 A. Regular...</p> <p>24 Q. Two-item receipt, ma'am.</p> <p>25 A. Right. No, I know, but there's two variations</p>	<p style="text-align: right;">Page 228</p> <p>1 with you?</p> <p>2 A. Yes.</p> <p>3 Q. And do you know what brand pizza dough that</p> <p>4 was that you bought that was whole wheat?</p> <p>5 A. Trader Joe's. It would've been -- I mean, if</p> <p>6 I bought it there, it would have been their own brand,</p> <p>7 I guess is what I'm saying.</p> <p>8 Q. No. I'm talking about the whole wheat pizza</p> <p>9 dough that you bought.</p> <p>10 A. Right.</p> <p>11 Q. Do you recall where -- you said you didn't</p> <p>12 recall where you bought that, so I'm wondering whether</p> <p>13 you recall what brand it was.</p> <p>14 A. It's most likely Trader Joe's.</p> <p>15 Q. Okay. Do you know what's in the Trader Joe's</p> <p>16 whole wheat pizza dough?</p> <p>17 A. No.</p> <p>18 Q. You said you made whole wheat pizza dough</p> <p>19 yourself at home?</p> <p>20 A. Yes.</p> <p>21 Q. How did you make that?</p> <p>22 A. Following the directions in my cookbook.</p> <p>23 Q. So what were the directions, do you recall?</p> <p>24 A. I have no idea. I -- no.</p> <p>25 Q. Do you recall what kind of flour you used?</p>
<p style="text-align: right;">Page 227</p> <p>1 of the pizza dough, so I just want to make sure.</p> <p>2 Q. Sure.</p> <p>3 A. Yeah, no. Other than flour and -- and yeast,</p> <p>4 no.</p> <p>5 Q. Do you know whether that's a whole wheat pizza</p> <p>6 dough?</p> <p>7 A. It's not.</p> <p>8 Q. Do you buy whole wheat pizza dough from Trader</p> <p>9 Joe's?</p> <p>10 A. Sometimes. I don't know if it's from Trader</p> <p>11 Joe's.</p> <p>12 Q. Do you buy whole wheat pizza dough?</p> <p>13 A. Sometimes.</p> <p>14 Q. When was the --</p> <p>15 A. Sometimes I make it.</p> <p>16 Q. When was the last time you bought whole wheat</p> <p>17 pizza dough?</p> <p>18 A. It's been a few years.</p> <p>19 Q. When was the last time?</p> <p>20 A. Probably like -- I mean, I don't -- I don't</p> <p>21 want to guess. The kids don't like it. So I tried.</p> <p>22 Q. So is it safe to say you've bought more white</p> <p>23 pizza dough than whole wheat pizza dough?</p> <p>24 A. Did I buy it more?</p> <p>25 Q. Did you when you were -- your kids were living</p>	<p style="text-align: right;">Page 229</p> <p>1 A. Whole wheat of some sort, yes.</p> <p>2 Q. Do you know what whole wheat flour you used?</p> <p>3 A. No.</p> <p>4 Q. Do you know how you know it was whole wheat</p> <p>5 flour?</p> <p>6 A. Because that's what the recipe called for.</p> <p>7 And it was not a hit.</p> <p>8 Q. Do you know how the -- the flour that you used</p> <p>9 was whole wheat, ma'am, not what the recipe called for?</p> <p>10 A. Yes. I bought it at the store.</p> <p>11 Q. Okay. Do you remember what brand it was?</p> <p>12 A. No.</p> <p>13 Q. Do you remember what store you bought it at?</p> <p>14 A. No.</p> <p>15 Q. How did you know it was whole wheat flour that</p> <p>16 you bought at the store?</p> <p>17 A. Because it was labeled whole wheat.</p> <p>18 Q. Did you look at the package other than to see</p> <p>19 that it said "whole wheat" on it?</p> <p>20 A. Probably not.</p> <p>21 Q. Next page, page 4, references flour tortillas.</p> <p>22 Do you know what the ingredients of those were?</p> <p>23 A. Help me out here. Oh, there they are.</p> <p>24 Q. Right in the middle, flour tortillas.</p> <p>25 A. They were probably just white, then. White</p>

Page 230

1 **flour tortillas.**
 2 Q. Do you know what the ingredients were,
 3 Ms. Streit, is my question.
 4 **A. No.**
 5 Q. Did you ever buy any whole wheat tortillas
 6 from Trader Joe's?
 7 **A. Yes.**
 8 Q. When did you do that?
 9 **A. Again, long time ago.**
 10 Q. Do you recall what the ingredients of those
 11 whole wheat tortillas were?
 12 **A. No.**
 13 Q. Do you know if those tortillas were
 14 100 percent whole wheat?
 15 **A. I -- I don't know for sure.**
 16 Q. Further on that same receipt, it says "roma
 17 tomato salsa bruschetta." Do you know what that is?
 18 **A. Definitely.**
 19 Q. What is that?
 20 **A. It's in a tub. It's a bruschetta sauce that**
 21 **has tomatoes, garlic, basil, olive oil. And you buy**
 22 **the baguette and then you put it on the baguette.**
 23 Q. The receipt on the right references a "gyoza
 24 dipping sauce"?
 25 **A. Yes.**

Page 231

1 Q. Do you know what that's in -- what -- what
 2 ingredients are in that product?
 3 **A. Not specifically. It's a mishmash. It has**
 4 **some soy in it -- soy sauce. Excuse me. And spices.**
 5 **I don't know what they are.**
 6 Q. You never read the label on that product?
 7 **A. I may have because it's -- because I didn't**
 8 **want to get just regular soy sauce. So I read them.**
 9 **Do I memorize them, no.**
 10 Q. I'm asking whether you read the ingredients --
 11 **A. Possibly.**
 12 Q. -- on that one.
 13 I'm asking whether you did, Ms. Streit.
 14 **A. I don't know.**
 15 Q. The receipt that's on the bottom of the page
 16 that's turned sideways references "frozen seasoned lamb
 17 racks." Do you see that?
 18 **A. Yes.**
 19 Q. What are those seasoned with?
 20 **A. Rosemary, and I don't know what else, but I**
 21 **know I read the label because I wanted to try and copy**
 22 **them at home.**
 23 Q. Next page references "raisin rosemary crisps."
 24 Do you see that?
 25 **A. Yes.**

Page 232

1 Q. Do you know what the ingredients of that
 2 product are?
 3 **A. I can't go off memory, but, again, I know I've**
 4 **read that one because it was an interesting**
 5 **combination.**
 6 Q. Okay. Do you recall reading the ingredients
 7 because you thought it was an interesting combination?
 8 **A. Yes.**
 9 Q. Was there any other reason for you to read the
 10 ingredient list?
 11 **A. On that, no.**
 12 Q. Next receipt references par-baked rustic
 13 rolls. Do you know what brand those were?
 14 **A. No.**
 15 Q. Do you know what the ingredients of those
 16 rolls were?
 17 **A. My guess is they were French, but I don't**
 18 **know.**
 19 Q. Okay. Do you know whether they were whole
 20 wheat rolls?
 21 **Exhibit 10 No, they weren't.**
 22 Q. Page 6.
 23 **A. Yes.**
 24 Q. It's a list of Safeway receipts. First
 25 receipt looks like it says "buloise rolls, six count."

Page 233

1 **Exhibit 10** see that?
 2 **A. Yeah. I don't know what they are.**
 3 Q. Do you recall buying that product?
 4 **A. Not specifically. I -- I don't know what they**
 5 **are.**
 6 Q. All right.
 7 At the bottom of that receipt it says, "As of
 8 today, you have accumulated five of seven toward your
 9 free signature cafe sandwich."
 10 Do you know what that refers to?
 11 **A. When you buy sandwiches in the deli, they keep**
 12 **track of it.**
 13 Q. Did you buy sandwiches at the Safeway deli?
 14 **A. Not a specific Safeway, but I'll buy one here**
 15 **and there at different Safeways, yeah.**
 16 Q. The next receipt says "pantry essentials." Do
 17 you know what those are?
 18 **A. No idea.**
 19 Q. Further on, it says, looks like, "ER chicken
 20 breast. Do you know what that is?"
 21 **A. No. Obviously some sort of chicken breast,**
 22 **but I don't know what kind.**
 23 Q. Do you buy certain kinds of chicken?
 24 **A. I typically only buy boneless skinless**
 25 **breasts, but different brands.**

<p style="text-align: right;">Page 234</p> <p>1 Q. Okay. What brands of chicken breasts do you 2 buy?</p> <p>3 A. Some at Costco, some at Safeway. Oh, I guess 4 Costco's would be Foster Farms, probably.</p> <p>5 Q. Do you know if it's Foster Farms?</p> <p>6 A. At Costco?</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. Any other brands at Costco that you buy?</p> <p>10 A. No.</p> <p>11 Q. What about Safeway? What brands of chicken do 12 you buy at Safeway?</p> <p>13 A. Their house brand.</p> <p>14 Q. Do you know where that chicken comes from?</p> <p>15 A. No.</p> <p>16 Q. Does it matter to you?</p> <p>17 A. No, as long as I don't get sick.</p> <p>18 Q. Next receipt, which is the one on the upper 19 right, looks like it says "Refresh water."</p> <p>20 A. Yes.</p> <p>21 Q. Do you know what that is?</p> <p>22 A. Bottled water.</p> <p>23 Q. Just plain water? It's not flavored?</p> <p>24 A. No.</p> <p>25 Q. Do you ever buy any flavored water from</p>	<p style="text-align: right;">Page 236</p> <p>1 THE WITNESS: Thank you.</p> <p>2 BY MR. GOODMAN:</p> <p>3 Q. Marked as Exhibit 10, a label from Ruffles 4 cheddar and sour cream flavored potato chips. Does 5 this look familiar to you?</p> <p>6 A. Probably. I mean, I don't know about the 7 specific label, but I know I buy -- have bought cheddar 8 and sour cream chips.</p> <p>9 Q. And have you ever read the label, the 10 ingredient label in Ruffles cheddar and sour cream 11 chips?</p> <p>12 A. No. Those are a luxury.</p> <p>13 Q. Do you know whether cheddar and sour cream 14 chips contain added color?</p> <p>15 A. I don't know.</p> <p>16 Q. Did you buy potato chips when your kids were 17 living at home?</p> <p>18 A. Yeah, some. Not a lot.</p> <p>19 Q. Did you usually buy Ruffles?</p> <p>20 A. Probably.</p> <p>21 Q. What other brands of potato chips did you buy 22 when your kids were living at home?</p> <p>23 A. Pringles.</p> <p>24 Q. Do you know what the ingredients in Pringles 25 are?</p>
<p style="text-align: right;">Page 235</p> <p>1 Safeway?</p> <p>2 Exhibit 9 Very rarely, like -- and not in a long time.</p> <p>3 Q. Did you buy that when your kids were living at 4 home?</p> <p>5 A. Yes, more likely.</p> <p>6 Q. Do you recall buying that between 2009 and 7 2012?</p> <p>8 A. I don't recall.</p> <p>9 Q. Next receipt references "Ruffles potato" and 10 "Ruffles cheddar and."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know what those are?</p> <p>14 Exhibit 9 Potato chips.</p> <p>15 Q. Did you -- do you know what the ingredients in 16 potato chips are?</p> <p>17 A. No, other than one is cheddar flavored.</p> <p>18 Q. Do you know whether that's cheddar and sour 19 cream?</p> <p>20 A. It says "cheddar and," so possibly, but I 21 don't know.</p> <p>22 MR. GOODMAN: Let's mark that as next.</p> <p>23 Exhibit 9 (Streit Deposition Exhibit 10 was 24 marked.)</p> <p>25 THE COURT REPORTER: Ten.</p>	<p style="text-align: right;">Page 237</p> <p>1 A. Other than potatoes, no. And it depends if 2 they were flavored.</p> <p>3 Q. Did you buy flavored Pringles?</p> <p>4 A. Yes.</p> <p>5 Q. What flavors?</p> <p>6 A. Salt and vinegar.</p> <p>7 Q. What else?</p> <p>8 A. Sour cream and onion.</p> <p>9 Q. Any others?</p> <p>10 A. No, not that I can recall.</p> <p>11 Q. Do you know whether Pringles included any 12 artificial colors?</p> <p>13 A. Don't know.</p> <p>14 Q. Do you know whether they included any soy?</p> <p>15 A. Don't know.</p> <p>16 Q. Do you know whether they --</p> <p>17 A. I would doubt it.</p> <p>18 Q. Sorry.</p> <p>19 A. Sorry.</p> <p>20 Q. Do you know whether they included any 21 preservatives?</p> <p>22 A. I would assume so, but I don't know.</p> <p>23 Q. Same with the Ruffles, right; you assume they 24 include preservatives?</p> <p>25 A. I would assume those would.</p>

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1 Q. You never read any Pringles ingredients,
2 correct?

3 **A. Again, no. Don't want to know.**

4 Q. Page 7 of Exhibit 9, there is a Safeway
5 receipt that references croutons to the right-hand
6 side. Do you know what brand croutons those are?

7 **A. My guess would be that they were Safeway's own**
8 **brand. Oh, yeah. Fresh Gourmet. I -- I don't know if**
9 **that's their own brand.**

10 Q. Do you know what the ingredients in those
11 croutons are?

12 **A. Other than bread and herbs, no.**

13 Q. Do you know what herbs are in those croutons?

14 **A. It depends on the flavor I bought.**

15 Q. How about these croutons that are referenced
16 on Exhibit 9 --

17 **A. It doesn't identify --**

18 **THE COURT REPORTER:** I'm sorry.

19 **THE WITNESS:** Sorry.

20 **THE COURT REPORTER:** Wait. You have to. I
21 can't take two people at the same time.

22 **THE WITNESS:** I know. I'm sorry.

23 **BY MR. GOODMAN:**

24 Q. What about the croutons identified on
25 Exhibit 9?

Page 239

1 **A. It doesn't iden- -- it doesn't say which**
2 **variety they were, so I don't know.**

3 Q. On page 8, there's a reference to Kraft Mac
4 and Cheese. It's M and C. I'm assuming that's
5 macaroni and cheese?

6 **A. Probably.**

7 Q. Do you know whether Kraft Macaroni and Cheese
8 has any added color in it?

9 **A. On a lot of these, I assume they do, but I**
10 **don't know for sure.**

11 Q. And you bought them anyway?

12 **A. Yes.**

13 Q. Do you know whether it had soy in it?

14 **A. I don't know, but I would not expect that it**
15 **would.**

16 Q. Why not?

17 **A. Because it doesn't seem to make sense. I**
18 **would think it would mostly have macaroni and cheese.**

19 Q. Do you think there's cheese in Kraft Macaroni
20 and Cheese?

21 **A. Powdered cheese. It's that powdered stuff.**

22 Q. What's -- what's powdered cheese made out of?

23 **A. I don't know.**

24 Q. Do you know if powdered cheese has soy in it?

25 **A. I don't know.**

Page 240

1 Q. Do you know what's in the Pillsbury pie crust?

2 Sorry. I'm skipping back to the one on the left.

3 **A. Okay.**

4 Q. I apologize.

5 **A. Other than flour and -- I do not know.**

6 Q. Okay. Going back to the one we were just
7 looking at, that has the Kraft Macaroni and Cheese on
8 it, underneath that it says "Idahoan pot" and it looks
9 like "buttery and then "garlic." Do you know what that
10 is?

11 **A. Oh. It's -- it's those instant potatoes, the**
12 **little individual serving sizes.**

13 Q. That you make yourself?

14 **A. You add probably water and butter. I'm not**
15 **really sure.**

16 Q. It has a seasoning packet?

17 **A. It's all -- I think it's all in one. Like**
18 **it's just one package.**

19 Q. Do you know what the ingredients are in those
20 products?

21 **A. Other than potatoes, no, and seasonings.**

22 Q. And you didn't read the ingredient list on
23 those, correct?

24 **A. I wasn't looking for those to be healthy, so**
25 **no.**

Page 241

1 Q. On the ingredient -- on the ingredient -- in
2 the Safeway receipt that's horizontal here --

3 **A. Mm-hmm.**

4 Q. -- can you tell me what the first entry says?

5 Something baguette.

6 **A. "Sourdough baguette."**

7 Q. Do you know what brand that was?

8 **A. That's their fresh bakery one.**

9 Q. And, again, you talked about that before. You
10 don't know what the ingredients in that are, correct?

11 **A. No.**

12 Q. That's correct?

13 **A. That's correct.**

14 Q. Okay. And there was no label or packaging on
15 that?

16 **A. It just comes in a sleeve, and I don't think**
17 **it says.**

18 Q. And it didn't have a best buy date, correct?

19 **A. No. I mean, that's correct.**

20 Q. Okay. Good.

21 **A. Oh, god.**

22 Q. Page 9, the Safeway receipt on the left-hand
23 side says "Hormel" and then it says "PK teriyaki" and
24 "PK mesquite."

25 Do you see that?

<p style="text-align: right;">Page 242</p> <p>1 A. Yes.</p> <p>2 Q. Do you know what those products are?</p> <p>3 A. Yes.</p> <p>4 Q. What are those?</p> <p>5 A. Pork tenderloins.</p> <p>6 Q. Okay. Do you know what is in the teriyaki</p> <p>7 that goes into those pork tenderloins?</p> <p>8 A. No.</p> <p>9 Q. Do you know what's in the mesquite flavoring</p> <p>10 that's on those pork tenderloins?</p> <p>11 A. Something smoky.</p> <p>12 Q. Do you know what it is?</p> <p>13 A. No.</p> <p>14 Q. Do you know if those products have any</p> <p>15 artificial ingredients?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know whether those products have any</p> <p>18 soy?</p> <p>19 A. I don't know.</p> <p>20 Q. On the right-hand side of the receipt, is that</p> <p>21 pudding, the "instant choc fudge"?</p> <p>22 A. Oh, yeah. Somebody must have been sick.</p> <p>23 Q. Okay.</p> <p>24 A. Yeah.</p> <p>25 Q. And the top thing is Blue Diamond milk. Do</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. Okay. Same thing on the one that's</p> <p>2 horizontal. There is a reference to French bread. Is</p> <p>3 that just Safeway French bread?</p> <p>4 A. Yes.</p> <p>5 Q. What about the rolls. Is that Safeway rolls?</p> <p>6 A. What does that say? Two -- if it says "two</p> <p>7 count," then yes. I don't know -- yeah, probably,</p> <p>8 because sometimes I would just buy from the bakery</p> <p>9 too --</p> <p>10 Q. It looks like that's a roll bulk?</p> <p>11 A. If I did like I did with the donuts, if I</p> <p>12 don't eat a whole package.</p> <p>13 Q. And then English muffins, whose English</p> <p>14 muffins are those?</p> <p>15 A. Don't know. I'm surprised the brand's not on</p> <p>16 there. You know what, if might have been their own</p> <p>17 brand, since it's in the baked goods.</p> <p>18 Q. Do you know if Safeway has English muffins?</p> <p>19 A. They might. I don't know for sure.</p> <p>20 Q. On page 11, there's -- under baked goods,</p> <p>21 there's a reference to white bread and pantry wheat</p> <p>22 bread. Do you know what those are?</p> <p>23 A. Yes. That would have been Safeway's own</p> <p>24 brand, and I was probably making bread pudding.</p> <p>25 Q. Okay. Do you know whether you reviewed the</p>
<p style="text-align: right;">Page 243</p> <p>1 you know what that is?</p> <p>2 A. That's a weird one. I don't know.</p> <p>3 Q. Okay. Do you know if -- did you buy Jell-O</p> <p>4 pudding for your kids when they were sick?</p> <p>5 A. If they wanted it, yes.</p> <p>6 Q. Was that something that you fairly typically</p> <p>7 did when they were sick?</p> <p>8 A. Not very often. It just depended on what</p> <p>9 sounded good to them.</p> <p>10 Q. Did you read any of the ingredients in any</p> <p>11 Jell-O pudding packages that you ever bought?</p> <p>12 A. Other than to observe sugar free or not sugar</p> <p>13 free or that kind of thing, not really.</p> <p>14 Q. Under baked goods, what does that say?</p> <p>15 A. That's that same thing. "Buloise," I don't</p> <p>16 know what it is.</p> <p>17 Q. Okay.</p> <p>18 A. It must be something that goes by another name</p> <p>19 in the store.</p> <p>20 Q. On the next page, on the one on the right</p> <p>21 under baked goods, there is a reference to French</p> <p>22 bread. That's just Safeway French bread, correct?</p> <p>23 A. Yes.</p> <p>24 Q. It's one --</p> <p>25 A. That should have been, yes.</p>	<p style="text-align: right;">Page 245</p> <p>1 labels on those bread products before you bought them?</p> <p>2 A. Probably not, because I was looking for -- to</p> <p>3 put it in bread pudding, so you want it plain and soft</p> <p>4 and simple.</p> <p>5 Q. Okay. So you don't know what the ingredients</p> <p>6 are, then?</p> <p>7 A. No. Again, I wasn't looking for it for</p> <p>8 health. I was turning it into a desert.</p> <p>9 Q. Next page, under the refrigerated frozen</p> <p>10 section of this receipt, it references International</p> <p>11 Delight pumpkin, International Delight -- and then I</p> <p>12 can't -- it looks like an H -- Hershey?</p> <p>13 A. Probably. I've never heard of that one,</p> <p>14 though.</p> <p>15 Q. Do you know what those products are?</p> <p>16 A. Coffee creamers.</p> <p>17 Q. Do you know whether there's any soy in those</p> <p>18 coffee creamers?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know if there's any artificial colors</p> <p>21 or flavors in those coffee creamers?</p> <p>22 A. Probably flavors but not colors because</p> <p>23 they're white. I, again, don't know for sure.</p> <p>24 Q. Do you ever read any of the labeling for those</p> <p>25 products?</p>

<p style="text-align: right;">Page 246</p> <p>1 A. Probably not on those.</p> <p>2 Q. What about the next one, the Bailey's coffee</p> <p>3 creamer?</p> <p>4 A. Same thing.</p> <p>5 Q. Do you know what's in that product?</p> <p>6 A. No.</p> <p>7 Q. Did you read the label?</p> <p>8 A. No.</p> <p>9 Q. Do you know whether that product has any</p> <p>10 artificial colors?</p> <p>11 A. Don't know.</p> <p>12 Q. Do you know whether it has any artificial</p> <p>13 flavors?</p> <p>14 A. I would assume it does, because I doubt if</p> <p>15 they put alcohol in it, so...</p> <p>16 Q. Do you know whether any of those coffee</p> <p>17 creamers have preservatives in them?</p> <p>18 A. I don't know.</p> <p>19 Q. Have you ever had any of those coffee creamers</p> <p>20 spoil on you?</p> <p>21 A. They don't last that long, so --</p> <p>22 Q. Because you use them?</p> <p>23 A. My daughter in this case. Yeah.</p> <p>24 Q. It's -- they don't last that long because they</p> <p>25 go bad?</p>	<p style="text-align: right;">Page 248</p> <p>1 Q. Do you -- did you purchase hot dogs for your</p> <p>2 children?</p> <p>3 A. Not very often.</p> <p>4 Q. Did you purchase Oscar Meyer hotdogs for your</p> <p>5 children?</p> <p>6 A. Did I, yes.</p> <p>7 Q. Yes.</p> <p>8 Did you ever read the ingredients in an Oscar</p> <p>9 Mayer hot dog?</p> <p>10 A. Again, don't want to know. Typically I will</p> <p>11 read the labels and ingredients if I'm looking for</p> <p>12 something, if I'm looking to find out if something is</p> <p>13 healthy or not, or if it has a lot of sugar.</p> <p>14 Q. Well, did you need to look to see whether</p> <p>15 Oscar Mayer hot dogs were healthy or not?</p> <p>16 A. Definitely not.</p> <p>17 Q. What about Stacy's pot- -- pita chips on the</p> <p>18 next page? Did you look at the label to see whether</p> <p>19 those were healthy or not?</p> <p>20 A. Nope. They're a treat.</p> <p>21 Q. Next, page 15. References under baked goods</p> <p>22 "white bread" and "blueberry muffins." Do you know</p> <p>23 what brands those were?</p> <p>24 A. I would assume they're Safeway.</p> <p>25 Q. Do you know that, ma'am?</p>
<p style="text-align: right;">Page 247</p> <p>1 A. Oh, no. Because they get used. Sorry.</p> <p>2 Q. That's all right. I just wanted to make it</p> <p>3 clear.</p> <p>4 The baked goods French bread, that's Safeway</p> <p>5 french bread?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. On page 13, there's -- on the</p> <p>8 right-hand side, there's a couple of purchases of</p> <p>9 Rice-A-Roni. Is that something that you used to</p> <p>10 purchase for your kids?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know whether you ever read the</p> <p>13 ingredient list in Rice-A-Roni?</p> <p>14 A. No.</p> <p>15 Q. Do you know whether Rice-A-Roni has any</p> <p>16 artificial colors in it?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know whether it has any soy?</p> <p>19 A. I don't know.</p> <p>20 Q. How about preservative?</p> <p>21 A. I would assume.</p> <p>22 Q. Down at the bottom of that receipt, it</p> <p>23 references OM weiner bun length. Do you know whether</p> <p>24 that's an Oscar Meyer hot dog?</p> <p>25 A. That would be my guess.</p>	<p style="text-align: right;">Page 249</p> <p>1 A. I don't know that.</p> <p>2 Q. Do you know what was in the white bread that</p> <p>3 you bought?</p> <p>4 A. No.</p> <p>5 Q. Did you -- you didn't need to read the label</p> <p>6 to determine whether that was healthy or not?</p> <p>7 A. No. Again, I don't buy white bread to be</p> <p>8 healthy. I buy it when I'm making something, like --</p> <p>9 like I said before, bread pudding.</p> <p>10 Q. Did you read the ingredients on the blueberry</p> <p>11 muffins?</p> <p>12 A. No.</p> <p>13 Q. Did you read the labels on the blueberry</p> <p>14 muffins?</p> <p>15 A. I think that was the Safeway, their own. I</p> <p>16 don't think it has -- I think it was bulk.</p> <p>17 Q. This one doesn't have a count, does it?</p> <p>18 A. I thought it said six. Didn't it? No. No,</p> <p>19 it doesn't say. I don't know.</p> <p>20 Q. On the receipt on the right, it says "mashed</p> <p>21 potatoes," "Idahoan potatoes." Do you know what those</p> <p>22 products are?</p> <p>23 A. Same thing they were earlier, those instant</p> <p>24 mashed potatoes.</p> <p>25 Q. And, again, you didn't read the labels on</p>

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1 those to see if they were healthy, correct?

2 **A. Nope.**

3 Q. Not correct?

4 **A. Correct.**

5 Q. Okay. Next page, 16, Costco wholesale. There

6 is a reference to pork and chicken pot stickers. Do

7 you know whether those contain soy?

8 **A. I don't know.**

9 Q. Do you read -- did you read the ingredient

10 lists on those products?

11 **A. No, probably not.**

12 Q. Okay. Pita chips. Do you know what brand

13 pita chips those were?

14 **A. They were probably Stacy's, as well, because I**

15 **saw them at Costco.**

16 Q. Okay. Do you know what the ingredients are in

17 Stacy's pita chips?

18 **A. No. Another treat.**

19 Q. Another treat. You don't want to know?

20 **A. I -- and we can go through this all day, but I**

21 **just -- the only time I'll -- I'll look is if it's**

22 **something that I'm trying --you know, if I'm trying to**

23 **be healthy.**

24 Q. What about the zucchi cakes? What is that?

25 **A. Zucchini cakes. Where's that?**

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1 Q. Z-U-C-C-H-I cakes.

2 **A. Oh, zucchini. Yeah, that's -- they were**

3 **zucchini cakes, and I believe they were in the fresh**

4 **baked area or the fresh prepared areas of Costco.**

5 Q. Do you know what was in those?

6 **A. I don't know, but I didn't like them. I**

7 **remember that.**

8 Q. Did they have a label?

9 **A. Not your normal label. Whatever the Costco**

10 **label is.**

11 Q. I mean, did they have an ingredient list, to

12 your knowledge?

13 **A. I'm sure they did.**

14 Q. You didn't look at it, though?

15 **A. Other than to see if there was zucchini as the**

16 **first ingredient, no.**

17 Q. Do you recall doing that?

18 **A. No.**

19 [Exhibit 9](#) Let's stick with what you actually did do.

20 **A. Okay.**

21 Q. Further on in that same receipt, it says

22 "butter croissant"?

23 **A. Yes.**

24 Q. Do you know what brand those are?

25 **A. Costco bakery.**

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1 Q. Okay. Do you know what's in those?

2 **A. No.**

3 Q. Did you read the label?

4 **A. I don't know what kind of label they have.**

5 Q. Further on it says "torta sandwich." Do you

6 know what that was?

7 **A. Oh. That's also a fresh baked thing from the**

8 **Costco bakery. It's like a torta --**

9 Q. Sandwich roll?

10 **A. Yes.**

11 Q. Do you know what's in that?

12 **A. No.**

13 Q. Next receipt says -- looks like "half caf."

14 Do you know what that is?

15 **A. Coffee.**

16 Q. Ground coffee that you brew at home?

17 **A. It's whole bean. Yes.**

18 Q. Okay. Next receipt is a hot dog and soda.

19 Was that for you?

20 **A. I seriously doubt it.**

21 Q. Did you -- do you -- do you buy hot dogs and

22 sodas at Costco?

23 **A. No, never.**

24 Q. Well, apparently you bought it.

25 **A. I must have bought it for someone.**

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1 Q. Okay.

2 **A. They make me sick.**

3 Q. What do, hot dogs?

4 **A. Yes. Like they taste good, and then you feel**

5 **like garbage afterwards.**

6 Q. You bought them for your kids because they

7 like them?

8 **A. Or for a cookout or something.**

9 Q. Next page, 17, popcorn -- I can't tell what

10 the rest of that is.

11 **A. Popcorn.**

12 Q. Popcorn tubs?

13 **A. Oh, that's the tubes of popcorn when they have**

14 **the road show there. The -- the -- the cones of**

15 **popcorn. You can get kettle corn, caramel corn. They**

16 **have like 20 different varieties of popcorn.**

17 Q. Do you know what's in that popcorn?

18 **A. It depends on the variety.**

19 Q. Do you know what variety this was?

20 **A. I don't know.**

21 Q. Do you know what varieties you've purchased?

22 **A. Caramel and kettle primarily.**

23 Q. Do you know what's in those?

24 **A. Kettle corn has sugar and salt and -- I mean,**

25 **other than popcorn? Just the listed -- the obvious**

<p style="text-align: right;">Page 254</p> <p>1 description, caramel for the caramel corn.</p> <p>2 Q. But do you know what the ingredients are in</p> <p>3 that, ma'am? That's my question.</p> <p>4 A. No.</p> <p>5 I desperately need more water.</p> <p>6 MR. GORE: Do we need to take a break?</p> <p>7 THE WITNESS: I just need water.</p> <p>8 MR. GORE: She seems to need water.</p> <p>9 MR. GOODMAN: Okay.</p> <p>10 THE WITNESS: We can do it really fast.</p> <p>11 MR. GOODMAN: Great. Watch out for your...</p> <p>12 THE VIDEOGRAPHER: This is the end of Disc</p> <p>13 No. 3, Volume 1, of the deposition of Lynn Streit. The</p> <p>14 time is 4:38 p.m. We're off the record.</p> <p>15 (Short recess taken.)</p> <p>16 THE VIDEOGRAPHER: Back on the record. This</p> <p>17 is the beginning of Disc No. 4, Volume 1, in the</p> <p>18 deposition of Lynn Streit. The time is 4:56 p.m. on</p> <p>19 February 11th, 2015.</p> <p>20 BY MR. GOODMAN:</p> <p>21 Q. Ms. Streit, we're on page 18 of Exhibit 9.</p> <p>22 Costco receipt on the left-hand side references --</p> <p>23 looks like liquid creamer. Do you know what that is?</p> <p>24 A. I believe it's the vanilla-flavored creamer</p> <p>25 that my daughter likes.</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Do you know what -- what the ingredients are</p> <p>2 in any of varieties that you bought of NuGo?</p> <p>3 A. No.</p> <p>4 Q. Do you read the labels for those products?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. Because I taste them and they test healthy. I</p> <p>8 don't know.</p> <p>9 Q. Okay. You like to eat them, so you don't need</p> <p>10 to read the label; is that fair?</p> <p>11 A. No. Actually, the very first time I ever saw</p> <p>12 them, I did read the label because I was comparing them</p> <p>13 to other bars, so...</p> <p>14 Q. What bars were you comparing them to?</p> <p>15 A. Oh, what's that brand? Builder's.</p> <p>16 Q. What parts of the Builder's label did you</p> <p>17 compare to the NuGo label?</p> <p>18 A. Just looking at the sugar content and the</p> <p>19 protein.</p> <p>20 Q. What's the sugar content of a NuGo?</p> <p>21 A. I don't know what it is. I know I chose</p> <p>22 those, the NuGos, over the Builder's.</p> <p>23 Q. Because they had a lower sugar content?</p> <p>24 A. I would say it was all the factors, all the</p> <p>25 different --</p>
<p style="text-align: right;">Page 255</p> <p>1 Q. And do you know what's in that?</p> <p>2 A. No.</p> <p>3 Q. Did you read the label?</p> <p>4 A. No.</p> <p>5 Q. Further on down, it says potato, and I can't</p> <p>6 tell what that is. Picnics or something like that?</p> <p>7 P-N-C-K-S.</p> <p>8 A. I have no idea.</p> <p>9 Q. Okay. Further on down, it says "quiche." Do</p> <p>10 you know what that is?</p> <p>11 A. Mini quiches for a party, frozen.</p> <p>12 Q. Frozen mini quiches.</p> <p>13 Do you know what the ingredients of those mini</p> <p>14 quiches are?</p> <p>15 A. No.</p> <p>16 Q. Did you read the labels?</p> <p>17 A. No.</p> <p>18 Q. That's a treat, right?</p> <p>19 A. Yep.</p> <p>20 Q. Page 19, on the receipt on the lower</p> <p>21 right-hand side, the first two are "NuGo pretzel" and</p> <p>22 NuGo 15 count." Do you know what those are?</p> <p>23 A. Yes. They're health bars, like power bars.</p> <p>24 Q. Okay. Do you know what's in those?</p> <p>25 A. It depends on the variety.</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. Give me all the factors that led you to make</p> <p>2 that purchasing decision.</p> <p>3 A. Oh, I'm sorry. Protein, sugar, calories.</p> <p>4 Q. Anything else?</p> <p>5 A. No.</p> <p>6 Q. And is it your recollection that the NuGo was</p> <p>7 lower in sugar and calories and higher in protein?</p> <p>8 A. It was my recollection that it was simply</p> <p>9 healthier overall for what we were looking for.</p> <p>10 Q. Based on the sugar, protein, and calories?</p> <p>11 A. Yes.</p> <p>12 Q. Anything else?</p> <p>13 A. No.</p> <p>14 Q. The Costco receipt on page 20 that's</p> <p>15 horizontal, references CK mini tacos. Are those the</p> <p>16 chicken mini tacos?</p> <p>17 A. Yes.</p> <p>18 Q. And, again, that's a treat that you wouldn't</p> <p>19 have looked at the label for, correct?</p> <p>20 A. Yes, yes.</p> <p>21 Q. Pulled pork, what's that?</p> <p>22 A. It is a fresh prepared item that you microwave</p> <p>23 and put on those torta rolls, make pulled pork</p> <p>24 sandwiches.</p> <p>25 Q. Does it have any sauce with it?</p>

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<p>1 A. Yes.</p> <p>2 Q. What's in the sauce, do you know?</p> <p>3 A. I just know it's barbecue based.</p> <p>4 Q. Okay. Do you know if there's -- do you know</p> <p>5 what any of the ingredients in that sauce are?</p> <p>6 A. No.</p> <p>7 Q. Do you know if that sauce includes any soy</p> <p>8 products?</p> <p>9 A. No.</p> <p>10 Q. Did you read the labeling on the pulled pork</p> <p>11 product?</p> <p>12 A. No.</p> <p>13 Q. Why not?</p> <p>14 A. I wasn't looking for it for health reasons.</p> <p>15 Q. Okay. Further on in that receipt, it says</p> <p>16 "alfredo sauce." Do you know what that refers to?</p> <p>17 A. Yuck. Yes.</p> <p>18 Q. Why do you say "yuck"?</p> <p>19 A. Because I don't eat it.</p> <p>20 Q. Is it for your kids or one of your kids?</p> <p>21 A. I don't know what it was for.</p> <p>22 Q. Do you recall buying that product?</p> <p>23 A. I must have, but I don't recall what for.</p> <p>24 Q. Why -- why don't you eat it?</p> <p>25 A. It's too rich.</p>	<p>1 Q. And, again --</p> <p>2 A. -- I think, from the bakery.</p> <p>3 Q. -- you didn't read the labeling on that</p> <p>4 package?</p> <p>5 A. No.</p> <p>6 Q. Why didn't you read the label on that package?</p> <p>7 A. Because I knew what it was. It's just a</p> <p>8 French roll. I didn't think it was whole wheat.</p> <p>9 Q. Do you know what's in a French roll?</p> <p>10 A. No.</p> <p>11 Q. Next receipt, there is a listing for cookies.</p> <p>12 Do you know what kind of cookies those were?</p> <p>13 A. No idea.</p> <p>14 Q. Do you know what brand they were?</p> <p>15 A. No.</p> <p>16 Q. Next line is "pita chips." Are those the same</p> <p>17 pita chips we talked about already?</p> <p>18 A. Yes.</p> <p>19 Q. And, again, you wouldn't have looked at the</p> <p>20 label of those, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And you wouldn't have looked at the label for</p> <p>23 the cookies, right?</p> <p>24 A. Correct.</p> <p>25 Q. Garlic bread, do you know what that was?</p>
Page 259	Page 261
<p>1 Q. What do you mean by that?</p> <p>2 A. Alfredo sauce overall is just too rich for me.</p> <p>3 It makes me feel yucky.</p> <p>4 Q. Okay. Do you know what was in the alfredo</p> <p>5 sauce that you bought at Costco?</p> <p>6 A. No.</p> <p>7 Q. Did you read any of the labeling?</p> <p>8 A. No.</p> <p>9 Q. Next page, on the left-hand side, the Costco</p> <p>10 says -- looks like it says "brownie brit."</p> <p>11 A. Brownie brittle. That's a treat.</p> <p>12 Q. Okay. You're not reading the label on that</p> <p>13 one?</p> <p>14 A. No.</p> <p>15 Q. Right?</p> <p>16 A. Yes, that's correct.</p> <p>17 Q. Okay. Further on, there is a reference to</p> <p>18 torta sandwich. Is that a bread roll?</p> <p>19 A. Yes. That's the same ones we went over</p> <p>20 before.</p> <p>21 Q. Okay. You just bought more of them this time,</p> <p>22 since it's \$6 worth; is that correct?</p> <p>23 A. I think it's always the same. Maybe they were</p> <p>24 on sale. I don't know. Because it's a pre-done</p> <p>25 package --</p>	<p>1 A. That was the bread I mentioned early on,</p> <p>2 Costco fresh baked.</p> <p>3 Q. The next receipt on page 22 references to a</p> <p>4 chicken sandwich for 9.99. Do you know what that was?</p> <p>5 A. No.</p> <p>6 Q. Page 23, Target receipts. On the -- one on</p> <p>7 the second one on the -- on the left-hand side toward</p> <p>8 the bottom, it says "MP buns MP H and H." Do you know</p> <p>9 what that is?</p> <p>10 A. I don't.</p> <p>11 Q. Further down, it says -- looks like Frigo. Do</p> <p>12 you know what that is?</p> <p>13 A. String cheese.</p> <p>14 Q. Do you know what's in that string cheese?</p> <p>15 A. Mozzarella cheese.</p> <p>16 Q. Do you know what the mozzarella cheese is made</p> <p>17 out of?</p> <p>18 A. I do not.</p> <p>19 Q. Did you read any of the labels for that</p> <p>20 product?</p> <p>21 A. No.</p> <p>22 Q. You -- can you read for me what the next</p> <p>23 product is?</p> <p>24 A. I have -- I have no idea. I can't interpret</p> <p>25 it.</p>

<p style="text-align: right;">Page 262</p> <p>1 Q. Next receipt on the right-hand side, there is</p> <p>2 a reference under special promotion to "Puffs." Do you</p> <p>3 know what that is?</p> <p>4 A. Kleenex.</p> <p>5 Q. Okay. Up above that, there is a reference to</p> <p>6 Fruity Pebbles.</p> <p>7 Do you see that?</p> <p>8 A. Yeah, yes.</p> <p>9 Q. Do you know what that is?</p> <p>10 A. A cereal.</p> <p>11 Q. Do you recall buying Fruity Pebbles in</p> <p>12 November of 2013?</p> <p>13 A. No. It may have been slipped in the cart by</p> <p>14 someone.</p> <p>15 Q. You testified before that you bought Fruit</p> <p>16 Loops, Grape Nuts, and Rice Chex. Does this refresh</p> <p>17 your recollection that you bought other types of</p> <p>18 breakfast cereal?</p> <p>19 A. I must have, but it was a one-off. I don't</p> <p>20 remember it at all.</p> <p>21 Q. Okay. And since it slipped in your cart, you</p> <p>22 certainly didn't read the -- the label on it, right?</p> <p>23 A. Definitely not.</p> <p>24 Q. Next page, 24, in the left-hand side, there's</p> <p>25 a reference to Stove Top. I -- so I assume that's</p>	<p style="text-align: right;">Page 264</p> <p>1 Q. On the horizontal receipt -- horizontal</p> <p>2 receipt, I can't -- I'm having trouble reading the --</p> <p>3 the reference. That's \$2.99 toward the middle -- or</p> <p>4 toward the upper quarter, I guess, of that receipt.</p> <p>5 Can you see what that is?</p> <p>6 A. It looks like ice cream. In June, that might</p> <p>7 make sense.</p> <p>8 Q. Oh. It says -- does that say Silk?</p> <p>9 A. I don't see Silk.</p> <p>10 Q. Silk coconut?</p> <p>11 A. What? What are you looking at?</p> <p>12 Q. I'm looking at the -- one, two, three, four,</p> <p>13 five -- sixth item down.</p> <p>14 A. No. It's simply something. Simp -- I don't</p> <p>15 know what it is.</p> <p>16 Q. Okay.</p> <p>17 A. Oh, I think it's Simply Naked. It might be</p> <p>18 one of those juices.</p> <p>19 MR. GORE: You're looking at two different</p> <p>20 things.</p> <p>21 THE WITNESS: Are we?</p> <p>22 MR. GOODMAN: Okay. Can you direct her to --</p> <p>23 MR. GORE: May I? This.</p> <p>24 MR. GOODMAN: Yep. If we can shortcut this,</p> <p>25 I'd appreciate it.</p>
<p style="text-align: right;">Page 263</p> <p>1 stuffing.</p> <p>2 A. I would assume.</p> <p>3 Q. Did you make Stove Top stuffing for</p> <p>4 Thanksgiving in 2013?</p> <p>5 A. Yes.</p> <p>6 Q. Did you read the labeling on Stove Top</p> <p>7 Stuffing?</p> <p>8 A. No.</p> <p>9 Q. Why not?</p> <p>10 A. Because you've got to have stuffing, and it's</p> <p>11 the one my daughter likes.</p> <p>12 Q. Okay. Further on in that same receipt, there</p> <p>13 are several references to Nestle. Do you know what</p> <p>14 that is?</p> <p>15 A. I don't know.</p> <p>16 Q. There is another -- there is a reference also</p> <p>17 to Cool Whip. Do you know what is in Cool Whip?</p> <p>18 A. Nope. That would be for the pumpkin pie.</p> <p>19 Q. And you wouldn't bother reading that --</p> <p>20 A. No.</p> <p>21 Q. -- label for that, right?</p> <p>22 A. That's correct.</p> <p>23 Q. And what about the marshmallows on the next</p> <p>24 receipt? Did you read the labeling for that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 265</p> <p>1 MR. GORE: Thank you. Okay.</p> <p>2 Talking about this receipt --</p> <p>3 THE WITNESS: Right.</p> <p>4 MR. GORE: -- where it looks like it says here</p> <p>5 "Silk coconut."</p> <p>6 MR. GOODMAN: Yeah. That's the way I read it.</p> <p>7 THE WITNESS: Oh, I see.</p> <p>8 MR. GOODMAN: Thank you.</p> <p>9 THE WITNESS: I have no idea. Sorry. Don't</p> <p>10 know.</p> <p>11 BY MR. GOODMAN:</p> <p>12 Q. Did you ever buy, to your knowledge, any Silk</p> <p>13 products? It's a -- a milk substitute.</p> <p>14 A. I don't know what they look like, so I don't</p> <p>15 know.</p> <p>16 Q. Would your daughter have gone shopping at</p> <p>17 Target and these receipts would be hers?</p> <p>18 A. No, not for more than a couple of items.</p> <p>19 Q. Because she wouldn't shop for longer than</p> <p>20 that? Is that why?</p> <p>21 A. Yes.</p> <p>22 Q. Page 27, there is a reference to</p> <p>23 "Superpretzel" in the Target receipt on the right --</p> <p>24 lower right corner of that page.</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 266</p> <p>1 Q. Do you know what that product is?</p> <p>2 A. I think it's the frozen ones. It's</p> <p>3 a -- they're big pretzels in a box. I think -- I don't</p> <p>4 know how many are in a box.</p> <p>5 Q. Do you know what the ingredients of that</p> <p>6 product are?</p> <p>7 A. I don't know.</p> <p>8 Q. Have you ever --</p> <p>9 A. They're just pretzels.</p> <p>10 Q. Have you ever read the label?</p> <p>11 A. No.</p> <p>12 Q. On page 28, there are receipts from Nob Hill</p> <p>13 Foods and CVS Pharmacy. Under the Nob Hill Foods,</p> <p>14 there is a -- a reference to Silk pure almond --</p> <p>15 A. Yeah, I see.</p> <p>16 Q. -- and Silk unsweetened vanilla. Do you know</p> <p>17 what those are?</p> <p>18 A. I don't remember the Silk, but I know the pure</p> <p>19 almond. So it's like a -- we use it in our smoothies.</p> <p>20 It comes in one of those -- I don't know what they're</p> <p>21 called.</p> <p>22 Q. Do you know what it's made out of?</p> <p>23 A. I don't know if they're both -- I think it's</p> <p>24 like an almond milk, but I don't know about the second</p> <p>25 one.</p>	<p style="text-align: right;">Page 268</p> <p>1 typically stop at the Whole Foods on the way to the</p> <p>2 showroom.</p> <p>3 Q. This is lunch that you buy in Vegas?</p> <p>4 A. Yeah. It's -- what it is, is it's lunch and</p> <p>5 it's whatever we want to snack on for the next few days</p> <p>6 in our hotel room, so that we have creamer for our</p> <p>7 coffee, whatever.</p> <p>8 Q. Was the wine for lunch or for a snack?</p> <p>9 A. That was a gift, actually.</p> <p>10 Q. How much do you believe you have spent at</p> <p>11 Whole Foods over the past two years?</p> <p>12 A. Probably less than a hundred dollars.</p> <p>13 Q. Do you recall shopping at Whole Foods at any</p> <p>14 time between 2009 and 2012?</p> <p>15 A. Yes. I remember it was the only place I could</p> <p>16 find ground veal for a recipe, so I remember going</p> <p>17 there for that.</p> <p>18 Q. Have you shopped at the Grocery Outlet, which</p> <p>19 is the receipts on the next page?</p> <p>20 A. Yes.</p> <p>21 Q. How often do you shop there?</p> <p>22 A. Not very. Just if I drive by, if I have to</p> <p>23 get off the freeway.</p> <p>24 Q. Do you buy any baked goods at the Grocery</p> <p>25 Outlet?</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. Have you ever bought -- you ever buy soy milk?</p> <p>2 A. I don't know. My daughter and I were</p> <p>3 experimenting buying different kinds of these things,</p> <p>4 and I don't know which ones.</p> <p>5 Q. On page 29, on the left-hand side, do you know</p> <p>6 what store that receipt comes from?</p> <p>7 A. I don't know.</p> <p>8 Q. And the -- toward the top third of that</p> <p>9 receipt, there is a reference to fair whole grain. Do</p> <p>10 you know what that is for \$1.99?</p> <p>11 A. I don't know.</p> <p>12 Q. There is also a reference to Clif bars. Do</p> <p>13 you recall buying Clif bars?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know what's in Clif bars?</p> <p>16 A. No.</p> <p>17 Q. Next receipt is a receipt from Whole Foods</p> <p>18 Market. You didn't mention Whole Foods before. Do</p> <p>19 you -- did you buy food at Whole Foods Markets?</p> <p>20 A. Not typically. I don't know why I did here.</p> <p>21 There must have been a reason. I don't know. I did.</p> <p>22 You smart ass.</p> <p>23 Okay. That's true. In Vegas, when I have to</p> <p>24 go for my business trip -- I forgot about that. That's</p> <p>25 not grocery shopping. That's buying lunch. We</p>	<p style="text-align: right;">Page 269</p> <p>1 A. Not that I recall. I don't even know if they</p> <p>2 have baked goods.</p> <p>3 Q. You bought creamer, correct, it looks like, on</p> <p>4 the horizontal receipt. Just -- I'm trying to shortcut</p> <p>5 this. Is that correct?</p> <p>6 A. It looks like it, yes.</p> <p>7 Q. Do you know what's in any of the creamer</p> <p>8 products that you bought there?</p> <p>9 A. Pardon?</p> <p>10 Q. Do you know what is in any of those</p> <p>11 products that you bought --</p> <p>12 A. No, no.</p> <p>13 Q. And you didn't read any of the labels of</p> <p>14 those, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And at Nob Hill Foods, it references a number</p> <p>17 of purchases of Canora prod or -- Canora products. Did</p> <p>18 you purchase those products?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know what's in those -- what the</p> <p>21 ingredients are of those products?</p> <p>22 A. Not specifically.</p> <p>23 Q. Did you read the labels of those products when</p> <p>24 you bought them?</p> <p>25 A. No.</p>

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<p>1 Q. Next page, there is a reference from Whole 2 Foods puff pastry and cinnamon sticks. Are those 3 cinnamon sticks like whole cinnamon sticks for the 4 spice? 5 A. Yes. 6 Q. Okay. Puff pastry, do you know what that is? 7 A. Yes. 8 Q. What is that? 9 A. It's in the frozen section. It's for a 10 recipe. It's -- you bake with it. 11 Q. Did you read the ingredients on that product? 12 A. No. 13 Q. Did you read the label on that product? 14 A. No. 15 Q. The Grocery Outlet receipt on that same page, 16 31, references ZBar peanut butter. Is that another 17 power bar, kind of, or health bar? 18 A. Yes. Most of the things on there are. 19 Q. Okay. Most of the things on this receipt are? 20 A. That's correct. 21 Q. Do you know what any of the ingredients in any 22 of these bars are? 23 A. Other than -- other than the obvious, no. 24 Like if they say they have nuts, they have nuts. 25 Q. Have you ever seen any advertising of any Sara</p>	<p>1 products have been represented to have a characteristic 2 that they don't actually have? 3 A. I believe so. 4 Q. Okay. What characteristic? 5 A. One hundred percent whole wheat. 6 Q. Anything else? 7 A. Excellent source of whole grain. 8 Q. Anything else? 9 A. Good source of whole grain. 10 Q. And we talked about your understanding about 11 those terms -- 12 A. Right. 13 Q. -- before. Is there anything else you want to 14 add to your testimony about that? 15 A. About? 16 Q. Your understanding of what a hundred percent 17 whole wheat is or should be. 18 A. I can't think of anything else. 19 Q. What about source of whole grains? Is there 20 anything you want to add to your testimony about that? 21 A. Other than my confusion about what a grain is. 22 I think I inadvertently referred to soy as a grain. 23 It's a bean, soybean. So I clarified buying soybeans. 24 So soy is not a whole grain. 25 Q. Okay. Anything else?</p>
Page 271	Page 273
<p>1 Lee products? 2 A. Not consciously. 3 Q. Have you ever seen any advertising for any 4 Thomas" products? 5 A. Not in a long time, but I fast-forward through 6 commercials, though. 7 Q. Understood. 8 Do you recall ever seeing a Thomas" 9 commercial or advertisement? 10 A. No. 11 Q. Have you ever seen an Entenmann's commercial 12 or advertisement? 13 A. Not that I recall. 14 Q. Okay. Do you have any understanding that any 15 Bimbo Bakeries products have been represented to have a 16 sponsorship that they don't actually have? 17 A. What's a sponsorship? 18 Q. That they're sponsored by somebody or some 19 entity? 20 A. I have no idea. 21 Q. Do you know whether any Bimbo Bakeries 22 products have been represented to have an approval by 23 some regulatory agency that they don't actually have? 24 A. No, I do not. 25 Q. Do you know whether any Bimbo Bakeries</p>	<p>1 A. Regarding whole grain, no. 2 Q. Are there any other characteristics that Bimbo 3 Bakeries products say that they have but they don't? 4 A. I don't know if it's characteristics, but the 5 baked fresh daily implication. 6 Q. What implication? 7 A. Like I said before, it implies to me that the 8 fresh baked goods are delivered daily. 9 Q. Do you know whether the products are not 10 delivered every day? 11 A. I don't. 12 MR. GORE: Objection. I think that's been 13 asked and answered. 14 But you can answer. 15 THE WITNESS: Yes, I don't know. 16 BY MR. GOODMAN: 17 Q. Do you know whether any Bimbo Bakeries product 18 has represented that it has ingredients that it doesn't 19 actually have? 20 A. No. 21 Q. Do you know whether any Bimbo Bakeries product 22 represents that it has a use that it doesn't actually 23 have? 24 A. No. 25 Q. Do you know whether any Bimbo Bakeries product</p>

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<p>1 represents that it has a benefit that it doesn't</p> <p>2 actually have?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether any Bimbo Bakeries product</p> <p>5 represents that it has -- it's in a quantity that it</p> <p>6 doesn't actually have?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether Bimbo Bakeries has ever</p> <p>9 represented that its goods are of a particular</p> <p>10 standard, quality or grade?</p> <p>11 A. If you call excellent a grade. I'm not sure</p> <p>12 what you're referring to.</p> <p>13 Q. Do you -- that's fair enough.</p> <p>14 A. Okay.</p> <p>15 Q. Do you know whether Bimbo Bakeries has ever</p> <p>16 represented that its goods are -- are of a particular</p> <p>17 standard?</p> <p>18 A. Same answer.</p> <p>19 Q. And when you say "excellent," you're talking</p> <p>20 about the source of whole grain, correct?</p> <p>21 A. Correct.</p> <p>22 Q. I'm talking about the good as a whole. Do you</p> <p>23 know whether its -- Bimbo Bakeries has ever represented</p> <p>24 that it's good, like a loaf of bread is of a particular</p> <p>25 standard or quality or grade?</p>	<p>1 consumer purchased a product because it was 100 percent</p> <p>2 whole wheat?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you know whether Bimbo Bakeries charges</p> <p>5 more for its 100 percent whole wheat bread than its</p> <p>6 other bread?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know whether Bimbo Bakeries charges</p> <p>9 more for products that are an excellent source of whole</p> <p>10 grain as opposed to a good source of whole grain?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you know whether Bimbo Bakeries charges</p> <p>13 more for its excellent source of whole grain products</p> <p>14 than it does for its products that are not any source</p> <p>15 of whole grain?</p> <p>16 A. I don't know.</p> <p>17 Q. Have you ever purchased a Bimbo Bakeries</p> <p>18 product without reading the label first?</p> <p>19 A. Without reading the front?</p> <p>20 Q. Yeah.</p> <p>21 A. No.</p> <p>22 Q. To see that it says it's Thomas" bagels, for</p> <p>23 example.</p> <p>24 A. Right. Yes.</p> <p>25 Q. Okay. But other than just looking at -- to</p>
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<p>1 A. Other than being a good source or excellent</p> <p>2 source of something -- in this case, whole grain -- or</p> <p>3 a hundred percent whole wheat, I'm not really sure what</p> <p>4 you're asking.</p> <p>5 Q. Okay. Do you know that a hundred percent</p> <p>6 whole wheat is a particular standard?</p> <p>7 A. Define standard.</p> <p>8 <u>Exhibit 11</u> Of a particular type of product.</p> <p>9 A. That means it's 100 percent whole wheat.</p> <p>10 Q. Right. So any other -- other than the -- the</p> <p>11 elements that you've talked about -- excellent source,</p> <p>12 <u>Exhibit No. 11</u> 100 percent whole wheat, and baked fresh</p> <p>13 daily -- are there any other claims made by Bimbo</p> <p>14 Bakeries that you believe are inaccurate?</p> <p>15 A. No.</p> <p>16 Q. Do you know whether any other consumer has</p> <p>17 ever bought any Bimbo Bakeries product because it made</p> <p>18 the representation that it was baked fresh daily?</p> <p>19 A. I do not know.</p> <p>20 Q. Do you know whether any other consumer has</p> <p>21 ever bought a Bimbo Bakeries product because it claimed</p> <p>22 that it was an excellent or good source of whole</p> <p>23 grains?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know whether any Bimbo Bakeries</p>	<p>1 identify the product, have you ever bought the product</p> <p>2 without studying the front of the label?</p> <p>3 A. Once it became a recognizable label to me,</p> <p>4 then I would see it, recognize it, and take it. I</p> <p>5 didn't read it every time.</p> <p>6 Q. Right. So do you know whether any of the</p> <p>7 labels for any of the Thomas" products that you bought</p> <p>8 differed in any way?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know whether any of the labels for any</p> <p>11 of the Sara Lee products that you bought differed in</p> <p>12 any way?</p> <p>13 A. I don't know.</p> <p>14 MR. GOODMAN: Ms. Streit, at this point, I</p> <p>15 don't have any further questions. Thank you.</p> <p>16 MR. GORE: I have some questions.</p> <p>17 EXAMINATION</p> <p>18 BY MR. GORE:</p> <p>19 Q. Ms. Streit, do you recall testifying earlier</p> <p>20 that your Costco purchasing, Costco shopping, flies in</p> <p>21 the face of logic? Do you recall that testimony?</p> <p>22 A. Yes.</p> <p>23 Q. What did you mean by that?</p> <p>24 A. I meant that as a single person, it would be</p> <p>25 odd to buy things in bulk at Costco, which is how most</p>

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1 things are perceived to be sold at Costco.

2 Q. Did you -- did you mean or intend anything

3 else other than what you just said about your Costco

4 purchasing and shopping?

5 A. No.

6 MR. GORE: I want to mark as Streit 11 this

7 package.

8 THE WITNESS: Yes.

9 THE COURT REPORTER: Where would you like it?

10 MR. GORE: Any -- anywhere in the clear area

11 would be fine, if that works for you. Thank you.

12 (Streit Deposition Exhibit 11 was

13 marked.)

14 BY MR. GORE:

15 Q. Ms. Streit, what the court reporter has marked

16 as Exhibit No. 11, what is it?

17 A. It's Sara Lee Classic 100 percent whole wheat

18 bread.

19 Q. Have you ever seen this package before?

20 A. Yes.

21 Q. When did you see it?

22 A. This particular one? Well, I've seen it many

23 times, many loaves, but this particular one --

24 particular one, earlier today here.

25 Q. Okay. Is this the package that you brought to

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1 your first meeting with me?

2 MR. GOODMAN: Calls for speculation. Lacks

3 foundation.

4 BY MR. GORE:

5 Q. Mark will make some objections. Once he's

6 finished with his objection, you can go ahead and

7 answer the question.

8 A. I would assume, yes, it is.

9 Q. I don't want you to assume.

10 A. Okay.

11 Q. I want you to testify from memory. I want

12 your best recollection. Is this in fact -- can you sit

13 here today and testify under oath that this is the

14 package that you brought to me at our first meeting?

15 A. Yes.

16 Q. Thank you.

17 Now, did you purchase this product for

18 consumption by yourself and your family?

19 A. Yes.

20 Q. On approximately how many occasions?

21 MR. GOODMAN: Lacks foundation. Asked and

22 answered.

23 THE WITNESS: Dozens.

24 BY MR. GORE:

25 Q. Over what approximate time period?

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1 MR. GOODMAN: Same objections.

2 THE WITNESS: Many years.

3 BY MR. GORE:

4 Q. Approximately beginning when?

5 MR. GOODMAN: Same objections. Calls for

6 speculation. Lacks foundation.

7 Exhibit 12 THE WITNESS: When my kids were young, so say

8 2000.

9 BY MR. GORE:

10 Q. Okay. Now, when you purchased this product

11 for personal consumption, did you read and rely on any

12 parts of the label on this package?

13 A. Yes.

14 Q. What --

15 Exhibit 12 The front.

16 Q. Okay. Did you read and rely on any specific

17 parts on the front of this package?

18 A. Def-

19 MR. GOODMAN: Overbroad. Lacks foundation.

20 It's also leading.

21 THE WITNESS: Definitely, 100 percent whole

22 wheat and good source of whole grain.

23 BY MR. GORE:

24 Q. Okay. I'm going to ask you to take my pen,

25 and I want you to circle the parts of the label on this

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1 package that you read and relied on when making your

2 purchase decision, please.

3 Okay. Thank you. Now, what you've circled

4 here is a part of the label that says "100 percent

5 whole wheat. My question is, when you read that on the

6 label, what did it mean to you?

7 MR. GOODMAN: Asked and answered.

8 THE WITNESS: That bread was made from

9 100 percent whole wheat flour.

10 BY MR. GORE:

11 Q. You also circled "good source of whole grain."

12 When you read and relied on that part of the label,

13 what did it mean to you?

14 MR. GOODMAN: Asked and answered.

15 THE WITNESS: Exactly what it says, that it

16 was a healthy choice, good source of whole grain.

17 BY MR. GORE:

18 Q. When you purchased this -- this product for

19 consumption by you and your family, did you turn it

20 over every time and read the ingredient list?

21 A. No.

22 Q. Why not?

23 A. Because the front told me what I needed to

24 know.

25 Q. How did reading these parts of the label

<p style="text-align: right;">Page 282</p> <p>1 affect your purchase decision?</p> <p>2 MR. GOODMAN: Asked and answered. Lacks</p> <p>3 foundation. Leading.</p> <p>4 THE WITNESS: Big time. I was looking for</p> <p>5 100 percent whole wheat bread.</p> <p>6 BY MR. GORE:</p> <p>7 Q. Do you recall -- I think you may have</p> <p>8 testified earlier that you eventually read the</p> <p>9 <u>Exhibit No. 12</u>ist on this product and saw that it</p> <p>10 contained white flour.</p> <p>11 Do you recall that testimony?</p> <p>12 A. I do, and I was incorrect. It was on one of</p> <p>13 the other labels. When I brought the other products</p> <p>14 in, it was on one of the other ones that is not related</p> <p>15 to this. I only saw soy on this.</p> <p>16 Q. When you say "I only saw soy," do you -- do</p> <p>17 you -- do you -- are you referring to the ingredient</p> <p>18 soy flour in the ingredient list?</p> <p>19 MR. GOODMAN: Leading.</p> <p>20 THE WITNESS: That's correct.</p> <p>21 BY MR. GORE:</p> <p>22 Q. Okay. And why is it a problem for you? If</p> <p>23 you don't have a soy allergy, why do have a problem</p> <p>24 with the presence of soy flour in a product that's</p> <p>25 labeled 100 percent whole wheat?</p>	<p style="text-align: right;">Page 284</p> <p>1 A. Yes.</p> <p>2 Q. And when did you see this bread bag before?</p> <p>3 A. When I brought it into the office, when I --</p> <p>4 Q. Did you purchase -- I'm sorry.</p> <p>5 A. Sorry.</p> <p>6 Q. I interrupted you. Sorry.</p> <p>7 Did you purchase this product for consumption</p> <p>8 by yourself or your family?</p> <p>9 MR. GOODMAN: You mean the product that was in</p> <p>10 that particular bag?</p> <p>11 MR. GORE: I -- I mean, the Sara Lee product</p> <p>12 named 100 percent whole wheat bread.</p> <p>13 THE WITNESS: Many times.</p> <p>14 BY MR. GORE:</p> <p>15 Q. Approximately how many times?</p> <p>16 A. Again, dozens. Dozens. I don't know which</p> <p>17 <u>Exhibit 13</u>came out first. So whichever one was released</p> <p>18 first, I would have purchased more of.</p> <p>19 Q. Over what approximate time period?</p> <p>20 A. Again, from when my kids were young, so...</p> <p>21 Q. Ms. Streit, did you purchase any Bimbo</p> <p>22 Bakeries products at my instruction?</p> <p>23 A. No.</p> <p>24 Q. Did I, or any other attorney working with me</p> <p>25 on this case, ever tell you to go out and buy any</p>
<p style="text-align: right;">Page 283</p> <p>1 MR. GOODMAN: Lacks foundation. Calls for</p> <p>2 speculation.</p> <p>3 THE WITNESS: It's a problem because it's</p> <p>4 false advertisement to me. It's on principle.</p> <p>5 BY MR. GOODMAN:</p> <p>6 Q. Okay.</p> <p>7 A. It's different than what it says on the front.</p> <p>8 Q. Thank you.</p> <p>9 MR. GORE: I want to mark as Streit 12 this</p> <p>10 package, please.</p> <p>11 (Streit Deposition Exhibit 12 was</p> <p>12 marked.)</p> <p>13 MR. GORE: Thank you.</p> <p>14 THE WITNESS: Sorry. Do you need this?</p> <p>15 MR. GORE: Do you need to see this one?</p> <p>16 MR. GOODMAN: Thank you. Thank you.</p> <p>17 BY MR. GORE:</p> <p>18 Q. Ms. Streit, what the court reporter has marked</p> <p>19 as Exhibit 12 and been placed in front of you, can you</p> <p>20 tell us what it is?</p> <p>21 A. Sara Lee 100 percent whole wheat bread.</p> <p>22 Q. Have you seen -- this is an empty bread bag,</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. Have you seen this bread bag before?</p>	<p style="text-align: right;">Page 285</p> <p>1 particular Bimbo product?</p> <p>2 MR. GOODMAN: Leading.</p> <p>3 <u>Exhibit No. 13</u> WITNESS: No.</p> <p>4 BY MR. GORE:</p> <p>5 Q. Are all of the products that are the subject</p> <p>6 of your claims in this lawsuit products that you</p> <p>7 purchased for years for consumption by yourself and for</p> <p>8 your family?</p> <p>9 MR. GOODMAN: Leading. Misstates testimony.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. GORE:</p> <p>12 Q. I want you to take my pen and I want you to</p> <p>13 circle on Exhibit No. 12 the portions of the label that</p> <p>14 you read and relied on when you purchased Sara Lee</p> <p>15 100 percent whole wheat bread, please.</p> <p>16 Okay. Thank you. And you've circled two</p> <p>17 things. One a "100 percent whole wheat." When you</p> <p>18 read and relied on that portion of the label -- strike</p> <p>19 that.</p> <p>20 Did you read and rely on that portion of the</p> <p>21 label when you decided to purchase Sara Lee 100 percent</p> <p>22 whole wheat bread?</p> <p>23 A. Yes.</p> <p>24 Q. When you read that portion of the label, what</p> <p>25 did it mean to you?</p>

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1 **A. That the bread was made with 100 percent whole**
2 **wheat flour.**
3 Q. And the other thing that you circled, that
4 it's an excellent source of whole grain --
5 **A. Yes.**
6 Q. -- did you read and rely on that portion of
7 the label?
8 **A. Yes.**
9 Q. What did that mean to you?
10 **A. That it's an even better source of whole grain**
11 **than the other bread, so that it's an excellent source.**
12 Q. Okay. Do you know the difference between the
13 legal requirements for bread to be labeled "excellent"
14 or "good source of whole grain"?
15 **A. I have no idea.**
16 Q. Okay. How did reading these portions of the
17 label affect your purchase decision?
18 **A. They affected greatly.**
19 **The -- these two also affected it. However,**
20 **we're not -- I'm not arguing this.**
21 Q. Okay. Okay.
22 **A. So...**
23 **MR. GOODMAN:** Anything else you want to point
24 her to?
25 **THE WITNESS:** I couldn't hear that.

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1 **BY MR. GORE:**
2 Q. Is it fair to say that what you learned about
3 the truthfulness or the legality of the labels on the
4 Bimbo products that are the subject of this case, you
5 learned it from your lawyers, you didn't do your own
6 research with the FDA or on the Internet, correct?
7 **MR. GOODMAN:** Leading.
8 **THE WITNESS:** That's very true.
9 **BY MR. GORE:**
10 Q. Okay. Did you purchase -- I may have asked
11 this earlier. I know I asked you if I -- if I or any
12 of the lawyers directed you to purchase a product.
13 Did you purchase any Bimbo products
14 specifically for the purpose of this lawsuit that you
15 had never purchased for consumption by yourself or your
16 family?
17 **MR. GOODMAN:** Leading.
18 **THE WITNESS:** No.
19 **MR. GORE:** Let's mark as Streit 13 this box,
20 please.
21 (Streit Deposition Exhibit 13 was
22 marked.)
23 **THE COURT REPORTER:** I'm going to put it over
24 here, okay?
25 **MR. GORE:** That's fine. Thank you.

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1 Ms. Streit, the -- oh, you need to see this?
2 **MR. GOODMAN:** No. Thank you. I have my own
3 over here. It's got donuts in there.
4 **MR. GORE:** All right, then.
5 **BY MR. GORE:**
6 Q. Ms. Streit, the -- the box that's marked as
7 Exhibit No. 13, have you ever seen this box before?
8 **A. Yes.**
9 Q. When did you see it?
10 **A. Earlier today.**
11 Q. Okay.
12 **A. And many times in the past. Sorry.**
13 Q. Is -- is this the box that you brought to your
14 first meeting with me?
15 **MR. GOODMAN:** Calls for speculation. Lacks
16 foundation.
17 **THE WITNESS:** Yes.
18 **BY MR. GORE:**
19 Q. Is this a product that you ever purchased for
20 consumption by yourself or your family?
21 **A. Yes.**
22 Q. On approximately how many occasions?
23 **A. It's more of a treat, so not as often as**
24 **those.**
25 Q. Okay.

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1 **A. So maybe once a month for -- on and off for**
2 **years.**
3 Q. Okay. Over what approximate time period?
4 **A. Again, I'd probably say 2010-ish forward.**
5 Q. Okay. I want you to take my pen and circle
6 any portions on the label on this package that you read
7 and relied on when you purchased this product.
8 **A. This is not an easy one.**
9 Q. Okay. Thank you. You've circled a portion in
10 the upper right-hand corner in the front panel on the
11 package. It's a blue circle that says "everyone's got
12 a favorite. Baked fresh daily," correct?
13 **Exhibit 13 Yes.**
14 Q. Did you read and rely on that portion of the
15 label when you bought this product?
16 **A. Yes.**
17 **MR. GOODMAN:** Lacks foundation.
18 **BY MR. GORE:**
19 Q. And what did it mean to you?
20 **A. My interpretation was that the donuts were**
21 **delivered every day.**
22 Q. Consistent with what you've testified to
23 earlier, correct?
24 **A. Yes.**
25 Q. Would you buy Bimbo Bakeries products in the

Page 290

1 future?

2 **A. I would if the labels were corrected and a**

3 **hundred percent truthful.**

4 Q. What would you do to satisfy yourself that

5 Bimbo's labels were a hundred percent corrected and

6 truthful?

7 **A. I would trust you to tell me when it's done.**

8 Q. Do you recall your testimony earlier about

9 [Exhibit 11](#)g and signing verifications of your written

10 discovery responses?

11 **A. Yes.**

12 Q. Okay. Did you review all of the -- all of

13 your discovery responses in this lawsuit?

14 **A. Yes.**

15 **MR. GOODMAN:** Calls for speculation. Lacks

16 foundation. Asked and answered.

17 **BY MR. GORE:**

18 Q. Did you ensure that all of them were correct?

19 **A. Yes.**

20 **MR. GOODMAN:** Same objections.

21 **BY MR. GORE:**

22 Q. Did you sign a verification form for all of

23 [Exhibit 11](#)

24 **A. Yes.**

25 Q. Since this case began, you have met with me on

Page 291

1 approximately how many times?

2 **A. Probably half dozen.**

3 Q. You have spoken with me on the phone

4 approximately how many times?

5 **A. Probably a dozen.**

6 Q. You and I have e-mailed approximately how many

7 times?

8 **A. More.**

9 Q. An estimate?

10 **A. Twenty-five to 30.**

11 Q. Not including your deposition here today, how

12 many hours would you estimate you've spent working on

13 this case?

14 **A. Not including today?**

15 Q. Not including today.

16 **A. Probably 15 to 20.**

17 Q. Have I, anyone from my office, or any lawyers

18 working with me, ever promised or provided to you

19 anything of value in exchange for your service as a

20 class representative in this case?

21 **A. No.**

22 Q. Why did you file this lawsuit?

23 **A. To correct a wrong, to hopefully have false**

24 **packaging corrected.**

25 Q. What are you seeking for yourself in this

Page 292

1 lawsuit?

2 **A. For the packages to be corrected.**

3 Q. Are you seeking any money?

4 [Exhibit 12](#) No.

5 Q. Are you seeking any money on behalf of the

6 class members in this case?

7 [Exhibit 11](#) [Exhibit 12](#).pdf">[Exhibit 12](#) I think that's part of -- I mean, I think

8 **that's what happens. I think people should get some**

9 **sort of a refund for the packages they purchased.**

10 [Exhibit 11](#) How much of a refund?

11 **A. That's not up to me. I don't know.**

12 **MR. GORE:** That's all I have.

13 **FURTHER EXAMINATION**

14 **BY MR. GOODMAN:**

15 Q. I have some follow-up on that, Ms. Streit.

16 **A. Yes.**

17 [Exhibit 11](#) How do you know that Exhibit 13 is the Softees

18 [Exhibit 11](#) you gave to Mr. Gore as opposed to some other

19 box of Softees?

20 **A. Well, I brought it in to him, so --**

21 Q. How do you know you brought in that box,

22 ma'am, is my question, as opposed to another box?

23 [Exhibit 12](#) Well, the expiration date looks like it's in

24 **the right time frame, but I don't even know. I mean,**

25 **any -- anything is possible. Someone can break in here**

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1 **and take things out and replace it.**

2 Q. Ma'am, how do you know that that's the box

3 that you gave to Mr. Gore? That's my question.

4 **A. Because I trust him.**

5 Q. Anything else? Is there any other way that

6 you know that that's the box that you gave to Mr. Gore?

7 **A. Nope.**

8 Q. Okay. When you say you trust him, what do you

9 mean? Is he the one who's testifying today that that's

10 the box that you gave to him?

11 **A. I trust the things I give him and tell him are**

12 **treated honestly and respectfully.**

13 Q. How do you know that Exhibit 11 is the bag of

14 bread -- or the bag from the bread that you gave him,

15 as opposed to some other bag of Sara Lee 100 percent

16 whole wheat bread?

17 **A. Same reasons.**

18 Q. So you don't know that this is the actual bag,

19 other than you trust Mr. Gore, correct?

20 **A. It doesn't have my signature on it, so -- I**

21 **mean, I think that's just a weird question. Sorry.**

22 Q. That's great, ma'am. I'll move to strike that

23 as nonresponsive.

24 **A. Okay.**

25 Q. If you could just answer the question. I'm

Page 294

1 not asking for your opinion as to my question. I'm
2 asking you whether you know that this bag, Exhibit 11,
3 [Exhibit 11](#) bag of bread that you gave to Mr. Gore, as
4 opposed to a different bag from a loaf of 100 percent
5 whole wheat Sara Lee bread.
6 **A. Yes.**
7 Q. You know that that's the same bag?
8 **A. Same reasons.**
9 Q. How do you know?
10 **A. Same reasons.**
11 [Exhibit 11](#) How do you know, ma'am?
12 **A. Because I gave it to him. I -- I'm sorry.**
13 **I'm finding this argumentative, too.**
14 Q. Are you objecting to my question, ma'am?
15 **A. Can I do that?**
16 Q. No.
17 Do you know -- did you make any markings on
18 the bag that you gave to Mr. Gore?
19 **A. I did not.**
20 Q. Did you make any note of the bag that you gave
21 to Mr. Gore to determine that this very bag is the bag
22 of bread that you gave to him?
23 **A. I did not.**
24 Q. Okay. So other than the fact that you trust
25 Mr. Gore, how do you know that this is the very bag

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1 [Exhibit 11](#) gave to Mr. Gore?
2 **A. Same thing.**
3 Q. You don't. There's no other reason other than
4 you trust him, correct?
5 **A. I guess, yeah.**
6 Q. Okay. Same answers --
7 **A. He can't lie.**
8 Q. -- for Exhibit 12?
9 **A. Yeah, yes.**
10 Q. Okay. Is there any wheat flour in the bread
11 that was in either Exhibit 11 or Exhibit 12 that was
12 other than whole wheat flour?
13 **A. Yes.**
14 Q. Okay. What wheat flour was in Exhibit 11 that
15 was something other than whole wheat flour?
16 **A. Soy flour. Can I look at the label and make**
17 **sure it's the right one?**
18 Q. I'm asking you, ma'am --
19 **A. Okay.**
20 Q. If you'd listen to my question. Is there any
21 wheat flour in Exhibit 11, the bread that was in
22 Exhibit 11, other than whole wheat flour --
23 **A. Oh.**
24 Q. -- to your knowledge?
25 **A. I do not know.**

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1 Q. Do you know whether there's any wheat flour in
2 Exhibit 12, other than whole wheat flour?
3 **A. I do not know.**
4 Q. In your statements in response to Mr. Gore's
5 questions about misrepresentations on the labels, those
6 are all consistent -- I just want to make sure I don't
7 have to go over anything -- with your statements before
8 about what a good source of whole grain was and what a
9 hundred percent whole wheat was, correct?
10 **A. Yes.**
11 Q. You don't have anything further to add to your
12 testimony on those issues, correct?
13 **A. Correct.**
14 Q. And you testified -- you clarified for me that
15 you made a mistake about soy being a grain. So it's
16 your understanding now, as you sit here today at
17 5:46 p.m. on February 11th, 2015, that soy is not a
18 grain; is that correct?
19 **A. That's correct.**
20 Q. So if there is soy flour in the
21 hundred percent whole wheat bread, it's not a grain
22 flour, correct?
23 **MR. GORE:** Objection. Calls for speculation.
24 Misstates prior testimony.
25 You can answer.

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1 **THE WITNESS:** I don't know because I don't
2 know what's in soy flour.
3 **BY MR. GOODMAN:**
4 Q. Do you know if there's any grain in soy flour?
5 **A. I have no idea.**
6 Q. If there were no grain in soy flour, would
7 Exhibit 11 be mislabeled?
8 **MR. GORE:** Objection. Calls for a legal
9 conclusion. Calls for speculation. Calls for an
10 expert opinion. Assumes facts not in evidence.
11 You may answer.
12 **BY MR. GOODMAN:**
13 Q. Let me rephrase it.
14 Ms. Streit, to your understanding, if there
15 were no grain in soy flour, would Exhibit 11 be
16 mislabeled?
17 **MR. GORE:** Objection. Calls for speculation.
18 Incomplete hypothetical.
19 You may answer.
20 **THE WITNESS:** I'm completely confused. Soy is
21 a bean. So I'm not sure what the question is at this
22 point.
23 **MR. GOODMAN:** Can you read back the question,
24 please?
25 Listen to the question and then please give me

Page 298

1 your answer.

2 **THE COURT REPORTER:** "Question:

3 Ms. Streit, to your understanding, if

4 there were no grain in soy flour, would

5 Exhibit 11 be mislabeled."

6 **MR. GORE:** Objection --

7 **MR. GOODMAN:** Your objections have been made.

8 That's why I didn't reread the question.

9 **MR. GORE:** Same objection.

10 **THE WITNESS:** If there were no grain in soy

11 flour -- I don't know.

12 **MR. GOODMAN:** I don't have any further

13 questions.

14 **MR. GORE:** And I think we're done.

15 **MR. GOODMAN:** Thank you.

16 **THE WITNESS:** Sure.

17 **THE VIDEOGRAPHER:** This is the end of Disc

18 No. 4, Volume 1, and concludes the deposition of Lynn

19 Streit. The time is 5:48 p.m. on February 11th, 2015,

20 and we're off the record.

21 **THE COURT REPORTER:** For the written record,

22 Mr. Gore, would you like a copy of the transcript?

23 **MR. GORE:** Please.

24 Hanna, could you -- how soon can you -- you

25 can e-mail me a rough?

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1 **THE COURT REPORTER:** Sure.

2 (Discussion off the record, proceedings

3 concluded at 5:49 p.m.)

4

5 I certify (or declare) under penalty of

6 perjury under the laws of the State of California

7 that the foregoing is true and correct.

8

9 Executed at _____ on _____

10 (Place) (Date)

11 _____

12 (Signature of Deponent)

13

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Page 300

1 **DEPOSITION OFFICER'S CERTIFICATE**

2 **STATE OF CALIFORNIA** } **ss.**

3

4 I, Hanna Kim, CLR, CSR No. 13083, hereby

5 certify:

6 I am a duly qualified Certified Shorthand

7 Reporter in the State of California, holder of

8 Certificate Number CSR 13083, issued by the Court

9 Reporters Board of California and which is in full

10 force and effect. (Fed. R. Civ. P. 28(a)).

11 I am authorized to administer oaths or

12 affirmations pursuant to California Code of Civil

13 Procedure, Section 2093(b) and prior to being examined,

14 the witness was first duly sworn by me. (Fed. R. Civ.

15 P. 28(a), 30(f)(1)).

16 I am not a relative or employee or attorney or

17 counsel of any of the parties, nor am I a relative or

18 employee of such attorney or counsel, nor am I

19 financially interested in this action. (Fed. R. Civ.

20 P. 28).

21 I am the deposition officer that

22 stenographically recorded the testimony in the

23 foregoing deposition and the foregoing transcript is a

24 true record of the testimony given by the witness.

25 (Fed. R. Civ. P. 30(f)(1)).

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1 Before completion of the deposition, review of

2 the transcript [XX] was [] was not requested. If

3 requested, any changes made by the deponent (and

4 provided to the reporter) during the period allowed,

5 are appended hereto. (Fed. R. Civ. P. 30(e)).

6 Dated: February 26, 2015

7 _____

8 **HANNA KIM, CSR NO. 13083**

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ALEX ANG v.
BIMBO BAKERIES U.S.A.LYNN STREIT
February 11, 2015

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